



An
Bord
Pleanála

Inspector's Report ABP-305710-19

Development	Demolition of outbuilding, extensions and alterations to house, replacement wastewater treatment system and all associated works
Location	Drummans Lower, Drumkeeran, County Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	P.19/142
Applicant(s)	Matt Fisher & Maria Carey
Type of Application	Permission & Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Saskia de Jong Joachim Schaefer
Observer(s)	An Taisce
Date of Site Inspection	20 th January 2020
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site is located in the rural townland of Drummans Lower, approximately 2.5km southeast of the village of Drumkeeran in central County Leitrim. The surrounding topography is defined by a belt of rolling drumlins between Boleybrack and Corry Mountains sweeping down to Lough Allen on the upper Shannon catchment. The character of the surrounding area is dominated by commercial forestry and agricultural fields, bordered by mature hedgerows and trees, interspersed with rural housing and farmsteads. The site is accessed by a single-lane private road that serves two other houses, as well as forestry and agricultural lands, and connects with the R280 regional road, approximately 1km to the southwest of the site.
- 1.2.** The site is stated to measure 0.67ha and currently accommodates a two-storey two-bedroom traditional stone-built cottage, a large corrugated shed, a detached two-storey outbuilding in the rear courtyard space and a detached steel-framed and clad garage to the rear of the courtyard space. The courtyard complex is screened by a mix of mature deciduous and coniferous trees. The site comprises a field to the rear, which contains the existing wastewater treatment system serving the house. Commercial forestry is situated adjacent to the north of the site. Ground levels drop steadily by approximately 8.5m from the roadside to the front of the site, to the rear northwest corner of the site.

2.0 Proposed Development

- 2.1.** The proposed development comprises the following:
- demolition of a corrugated shed with a stated gross floor area (GFA) of 112sq.m;
 - elevation alterations, removal of a chimney and a side projection and the construction of extensions to the house, comprising replacement and raised roof by approximately 0.85m, as well as a two-storey side and rear extension with a stated GFA of 259sq.m and two external terraces at first-floor level;
 - construction of a detached single-storey garage with a stated GFA of 69sq.m;

- decommissioning of the existing septic tank, as well as a reed-bed and willow-bed system and the installation of a packaged wastewater treatment system, including raised gravel-bed polishing filter;
- all associated groundworks and landscaping.

2.2. The proposed development for retention comprises the following:

- a detached single-storey domestic garage with a stated GFA of 69sq.m.

2.3. In addition to the standard planning application documentation and drawings, the application was accompanied by an Appropriate Assessment Screening Report and a site assessment report addressing the on-site disposal of wastewater.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission and retention permission for the proposed development and the development to be retained respectively, subject to ten conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the Planning Officer (July 2019) noted the following:

- the site is within an 'area of high visual amenity' based on the provisions of the Leitrim County Development Plan 2015-2021;
- the proposed extension is sympathetic to the host house, while the extensions to the host house would effectively link with elements in the proposed extensions;
- the need for a large number of outbuildings as part of the development, coupled with a garage and plant room included in the extension, needs to be justified, including their intended use and other details;
- clarification on the water connection, a pipeline folio burden and rights of way is required;

- the ground conditions failed the T-test, but the proposed development would provide for improved treatment of wastewater and would reduce environmental impacts.

3.2.2. The final report of the Planning Officer (September 2019), reflects the decision of the planning authority and noted that the response to the further information request was satisfactory.

3.2.3. Other Technical Reports

- District Engineer (Roads) – no response;
- Environment Engineer – no response.

3.3. Prescribed Bodies

- The Arts Council – no response;
- An Taisce – no response;
- Fáilte Ireland – planning compliance matters should be addressed.

3.4. Third-Party Observations

3.4.1. During consideration of the planning application by the planning authority, submissions were received from two neighbouring residents of the Lecarrow area of Drumkeeran, which is a rural townland approximately 850m to the south of the appeal site. The issues raised in these submissions are similar to those raised in the grounds of appeal and they are summarised under the heading 'grounds of appeal' below.

4.0 Planning History

4.1. Appeal Site

4.1.1. Formal pre-planning discussions (under Ref. PL57/3130) between representatives of the applicants and the planning authority were undertaken in May 2019 regarding alterations and extensions to the house on the appeal site. Matters raised by the planning authority during this pre-planning referred to the need to use materials

sympathetic to the existing house and the rural context of the site. The planning register refers to planning ref. 87/88, but no details are available for this planning application. I am not aware of any other recent planning applications for development on the appeal site.

4.2. Surrounding Sites

- 4.2.1. I am not aware of any recent planning applications in the immediate vicinity of the appeal site.

5.0 Policy & Context

5.1. Leitrim County Development Plan 2015-2021

- 5.1.1. The policies and objectives of the Leitrim County Development Plan 2015-2021 are relevant. Map 4.2 of the Plan identifies the appeal site as being within a rural area with 'medium capacity / medium availability' for housing and Section 4.2.2.14 of the Plan outlines that the conversion, adaptation, re-use and extension of existing rural dwellings and other structures capable of being adapted to residential use is considered acceptable in this area. Furthermore, with regard to housing, section 4.5.1 of the Plan states that amongst other types of development, the planning authority are favourably disposed towards the refurbishment and extension of existing houses.
- 5.1.2. General development management requirements are outlined in Section 5.1.1 of the Plan. Section 5.2.3 of the Plan outlines that where it is proposed to extend a house, the extension should respect the existing scale, character and external finishes of the original building. Proposals for restoration must comply with the standards for wastewater disposal and access, if a new access onto a public road is required.
- 5.1.3. According to the Development Plan, the site is located in the 'Northern Glens, Central Lowlands and Lough Allen' landscape character area, and also within an 'area of high visual amenity'. Policy 101 of the Plan permits development in such areas, subject to a high standard of site layout and design, amongst other things. There are no protected views in the immediate vicinity of the site.

- 5.1.4. For rural housing developments, the Plan refers to the detailed technical and development management guidance within the 'Design Guide for the Siting and Design of Single Houses within the Leitrim Countryside'.
- 5.1.5. The Plan requires proposals for wastewater treatment serving one-off rural housing to comply with the Environmental Protection Agency (EPA) 'Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (p.e. ≤10) (2009)'.

5.2. Natural Heritage Designations

- 5.2.1. The nearest designated sites to the appeal site are Boleybrack Mountain Special Area of Conservation (SAC) (Site Code: 002032), which is located approximately 5.2km to the north, Cuilcagh-Anierin Uplands SAC (Site Code: 000584), which is 7.6km to the east of the site, and Lough Gill SAC (Site Code: 001976), which is 12.2km to the northwest of the site. The nearest designated sites downstream from the appeal site are Lough Forbes SAC (Site Code: 001818) and Ballykenny-Fisherstown Bog SPA (Site Code: 004101), which are both located approximately 42km to the south of the appeal site, near Roosky village on the river Shannon.

5.3. Environmental Impact Assessment - Preliminary Examination

- 5.3.1. Having regard to the limited nature and scale of the proposed development, including the element for retention, and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. In conjunction with the third-party submissions, the issues raised in the two third-party appeals from neighbouring residents of the Lecarrow area of Drumkeeran, can be collectively summarised as follows:

Design

- the design of the structures would not be in keeping with the local vernacular style;

Wastewater & Water Quality

- the nearest watercourse is 175m away from the site and this runs into Lough Allen, and the proposed development would result in an increased risk of water pollution;
- the house on site did not have permission for the existing wastewater treatment system and the upgrade of the wastewater treatment system does not justify the scale of extensions proposed and does not comply with the EPA guidelines;
- there is no scientific evidence to suggest that the new wastewater treatment system would result in less pollution than the present system, and a precautionary approach should be taken as Lough Allen only has a moderate water quality within the Water Framework Directive;

Other Matters

- the application should have been declared invalid as the site notices were not displayed on time or in the correct locations and, therefore, did not comply with the legislative requirements;
- the applicants have impacted the property rights of the appellants by restricting access along the roadway;
- the development description is incorrect, including the omission of reference to the demolition of the side extension to the house and the retention of various works;
- information is missing from the planning application, including surface water drainage details, more detailed landscaping proposals and details of how the asbestos roof to the house would be removed. A number of inaccuracies and inconsistencies within the application documentation are highlighted;

- there is a long history of unauthorised development on site, including change of use of an outbuilding for human habitation, a caravan and a septic tank and reed-bed / willow-bed system;
- the storage of personal work equipment in one of the outbuildings is a commercial use, which is contrary to condition 9 of the planning authority decision;
- fire safety risks arising from the proximity of the site to the adjacent commercial forestry;
- use of peat for heating purposes results in a comparatively high level of pollution.

6.2. Applicants' Response

6.2.1. The applicants' response to the grounds of appeal can be summarised as follows:

Design

- the cluster design concept and materials proposed are sympathetic to the buildings on site and the local environmental context, with negligible visual impacts arising, in particular given the landscaping proposed;
- upgrading the existing house would improve its energy efficiency;

Wastewater & Water Quality

- the house on site is in existence and use for over 100 years and the wastewater treatment system has been in existence for a prolonged period;
- reconstruction and upgrade of the septic tank was granted permission by the planning authority in 1986;
- when the applicants purchased the house in 2014 they upgraded the brick-built septic tank and soakpit with a precast septic tank and reed-bed system to EPA guidelines. The present proposals would improve the treatment of wastewater, as is provided for in section 6.6 of the EPA guidelines;
- the EPA guidelines require a system to operated and maintained in accordance with specific conditions;

- the development is not of a design and scale to warrant a fuel interceptor;

Other Matters

- the development description accurately details the extent of the proposed development and the proposed development for retention;
- all relevant information required with the planning application has been submitted, including landscaping and boundary treatments, and permission for all relevant elements to be retained has been sought;
- the applicants engaged with the adjoining forestry operator prior to submitting the application and there is no evidence to suggest that the proposed development would be at increased risk of fire;
- the applicants' representatives are aware of the requirements in the removal of asbestos;
- fire and building regulations matters are dealt with separately outside of the remit of planning;
- previous land ownership burdens relating to a wastewater pipeline are no longer relevant;
- the development is not intended to be used for commercial purposes;
- the site notices were displayed in accordance with the legislation and the temporary position of a farm vehicular on the private road did not restrict pedestrian access or movement along this road;
- no issues regarding traffic safety arise.

6.3. Observation

6.3.1. An observation was received from An Taisce and this can be summarised as follows:

- Lough Allen has been identified as a waterbody with a 'moderate' water quality status under the Water Framework Directive (WFD), and has also been identified as being 'at risk';
- the site overlies the Lough Allen uplands groundwater body, which has been classed as being of 'good' status in the WFD;

- the proposed development would contribute to the proliferation of houses served by individual wastewater treatment systems in the vicinity of Lough Allen, therefore, the cumulative impacts of the proposed development, alongside existing and other proposed developments require consideration.

6.4. Planning Authority Response

6.4.1. The Planning Authority's response to the grounds of appeal can be summarised as follows:

- the development description is accurate and not misleading and the site notices were in accordance with the legislative requirements;
- robust and enforceable planning conditions are attached and other matters raised can be addressed by the relevant statutory codes;
- the proposed development draws design elements from the vernacular agricultural style, while creating a traditional courtyard space;
- the design pays due respect to the existing house, with a glazed transition between the old and new elements of the house;
- the extent of outbuildings has been justified by the applicants and conditions to ensure that they remain in use for ancillary domestic purposes can be applied;
- the provision of additional planting would address concerns regarding the impact on the visual amenities of the area;
- site improvement works are recommended for wastewater treatment, in accordance with section 6.6. of the EPA guidelines, which require corrective actions to be undertaken where variances with the standards occur and where this can lead to improved wastewater treatment and reduced environmental impacts;
- the proposed means of wastewater treatment would represent a considerable improvement on the existing substandard system serving the house on site.

6.5. Further Submissions

- 6.5.1. Following consultation with the Department of Culture, Heritage and the Gaeltacht, the Heritage Council and An Taisce, no further responses were received from these parties.
- 6.5.2. Both of the appellants' responses to the applicants' response to the grounds of appeal, primarily reaffirm matters raised previously, while collectively also raising the following:
- the area comprising the existing reed-bed and willow-bed system should revert to the previous grassland habitat that was suitable for Devil's-bit Scabious plants and the Marsh Fritillary Butterfly, which were previously recorded on site;
 - it is only an opinion that the wastewater treatment proposed would offer environmental improvements and section 6.6 of the EPA guidelines does not apply, as the existing system is unauthorised and as the development does not propose an upgrade of the system, given that a new system would be installed;
 - risk of pollution to Lough Allen and Owengar River should be avoided, particularly given the presence of protected freshwater fish, Pollan and brown trout, as well as other species, including Greenland-white Fronted Geese;
 - the proposed development would result in light pollution and impacts on the landscape;
 - the applicants are constructing a 350m-long road down to the shores of Lough Allen.
- 6.5.3. Both of the appellants responded to the planning authority's response to the grounds of appeal and these submissions primarily reaffirmed and expanded on matters raised in previous submissions, as well as including a CD containing photographs of the appeal site.

7.0 Assessment

7.1. Introduction

- 7.1.1. There is an existing occupied house on the site and it is intended to extend this house from a two-bedroom house to a four-bedroom house with additional outbuildings and associated development works. The Leitrim County Development Plan 2015-2021 outlines that the planning authority is favourably disposed towards the refurbishment and extension of existing rural housing. Significant amendments to the existing vehicular access serving the appeal site are not proposed and the nature and scale of the proposed development is such that intensification in use of the existing road network would not arise. Furthermore, the planning authority does not object to the vehicular access arrangements. Consequently, I am satisfied that traffic safety issues do not arise and the principle of extending the house is supported by the provisions of the Development Plan.
- 7.1.2. Accordingly, I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:
- Design & Visual Impact;
 - Wastewater Treatment;
 - Water Quality;
 - Other matters.

7.2. Design & Visual Impact

- 7.2.1. The site is located in an area of 'High Visual Amenity' based on Map 4.12 of the Development Plan. Policy 101 of the Development Plan permits development in such areas, subject to a high standard of site layout and design. The private road that serves the site does not appear to be currently operating as a through-route for vehicles and does not appear to be located on any formal recreational or tourist routes. The site is situated approximately 630m from the closest point of the R280 regional road, which is to the west of the site. Despite being situated on the upper slopes of a drumlin, the proposed development would not be visible from the regional road, primarily as a result of the undulating intervening topography. Views from the

wider area would be largely restricted by the topography and the screening created by natural land cover, including mature trees. The rear of the site, currently accommodating a garage and intended to accommodate another outbuilding of similar design and scale for fuel storage, is more exposed, however, these outbuilding structures would be typical for an agricultural area and where visible would be viewed against the backdrop of the trees enclosing the courtyard. Furthermore, the site is not visible from protected views, prospects or features of interest identified in the Development Plan. Accordingly, while recognising the elevated context, the proposed development would not be highly visible from the surrounding area and would not detract from the visual amenities of the area.

7.2.2. The proposed development would significantly increase the floor area of the existing house on site, particularly within the two-storey side extension that would have a maximum height of 7.1m, which would be 0.5m higher than the reroofed host house. I am satisfied that the proposed two-storey extension would be sympathetic to the scale, design and materials of the host house, with the glazed connection providing a clear distinction between the older and newer elements of the extended house, while the siting, scale, form and materials proposed for this contemporary style addition are clearly drawn from local vernacular buildings. The modifications to the host house, primarily involving a replacement and raised roof would respect the proportions and scale of host house, with a vertical cedar cladding and zinc-clad roof defining the extension elements. Furthermore, I am satisfied that the proposed design and site layout arrangements would be in accordance with the provisions set out within the planning authority's 'Design Guide for the Siting and Design of Single Houses within the Leitrim Countryside'.

7.2.3. In conclusion, the design, form and scale of the proposed extensions and outbuildings would be capable of being absorbed within this 'High Visual Amenity' area and are of a sufficiently high standard that is sympathetic to local vernacular building styles, including the host house. Consequently, I am satisfied that the proposed development should not be refused for reasons relating to design, and the resultant impact on the visual amenities of the area.

7.3. Wastewater Treatment

- 7.3.1. The applicants assert that the two-bedroom cottage on site has been in situ and occupied for over 100 years and that the planning authority had granted permission for the reconstruction and upgrade of the septic tank serving the house in 1986. Following this in 2014, the applicants state that the previous brick-built septic tank with soakpit was replaced with a precast concrete septic tank followed by a reed-bed and willow-bed system. I am not aware of a grant of planning permission allowing for the installation of this wastewater treatment system. The applicants assert that the present proposals, which would provide for an additional two bedrooms and a replacement on-site wastewater treatment system, would improve the treatment of wastewater arising from the house.
- 7.3.2. The site is in an area underlain by a locally-important aquifer (LI) with 'low' groundwater vulnerability and therefore has a low vulnerability rating in terms of groundwater protection response. Vegetation on site primarily comprises whitethorn, rushes and grass, and the land gently slopes downwards to the west. The site assessment report states that a 2.4m-deep trial hole was examined in June 2019 and a silt layer was noted to a depth of 0.25m, followed by dark brown clay to a depth of 1.15m, while cobbles and gravel were encountered below this. Bedrock is not stated to have been encountered and underfoot conditions suggest ground conditions with poor percolation characteristics.
- 7.3.3. Percolation tests undertaken on a trial hole at the site failed at pre-soaking stage according to the applicants and a T-value was not found. The T-value would therefore be >90 and based on the EPA 'Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses' ground conditions would not be suitable for discharge of wastewater if it was intended to accommodate a new house. However, it must be acknowledged that this site already accommodates an occupied house and where a site is not suitable for treating effluent from a conventional septic tank, consideration should be given to an alternative treatment system that would discharge effluent at ground surface through a polishing filter. For a site to be suitable for a secondary treatment system with polishing filter at ground surface or overground, a P-value of between 3 and 75 is required. Following the failure in attaining a T-value for the site, percolation tests were undertaken on the upper top

layer of silt and an average P-value of 68 was identified, suggesting that the site would be suitable for a secondary treatment system with polishing filter at ground surface or overground.

- 7.3.4. To address the poor site characteristics, the applicant proposed to decommission the existing wastewater treatment system and replace it with a mechanical wastewater treatment system with sampling chamber and alarm system, to be supplemented by pump chamber to two puraflo modules for use as a tertiary treatment system and a 300mm-deep gravel distribution area directly below this. The applicants have calculated that an area amounting to 68sq.m would be required for this tertiary treatment area. Surface water interceptor drains would be installed up-gradient of the gravel distribution area.
- 7.3.5. Section 6.6 of the EPA Code of Practice states that variances to the standards may be considered by the planning authority when it is satisfied that the proposed upgrade would provide improved treatment and reduced environmental impact. The failure of the existing treatment and disposal system needs to be clearly identified and corrective actions proposed having regard to the requirements of the EPA Code of Practice.
- 7.3.6. Details regarding the manner in which the existing system performs have not been provided with the application, however, having visited the site, it is clear that the existing treatment and disposal system would be highly likely to be failing to adhere to the requirements of the Code of Practice, as the reed-bed and willow-bed systems are no longer in situ and therefore are not functioning. Consequently, only primary and minimal secondary treatment of wastewater would be occurring via the septic tank. The introduction of a packaged wastewater treatment system would produce a higher-quality effluent in terms of organics and micro-organisms, as compared with the existing septic tank system. Furthermore, the puraflo modules, which generally incorporate a peat filtration system, would offer further improvements on the quality of effluent, particularly when compared with the existing situation. Peat-filter systems require a polishing filter prior to discharge to ground and I note that a level 300mm gravel distribution layer is proposed, which would distribute and provide a medium for treatment of the wastewater prior to discharge to the subsoil, which has been assessed to be suitable for same based on the percolation tests.

7.3.7. In conclusion, I am satisfied that the appropriate corrective actions have been undertaken with sufficient regard to the requirements of the EPA Code of Practice. The replacement of the existing system with the proposed wastewater treatment system would provide for improved treatment of wastewater and reduced environmental impact arising from the house on site. The replacement system should be installed and operational prior to occupation of the extension and a condition should be attached to this effect.

7.4. Water Quality

- 7.4.1. In accordance with the Water Framework Directive (WFD), proposals that have the potential to impact 'waterbodies' are required to demonstrate that actions would not result in a deterioration in 'ecological status' and would not result in the relevant waterbodies being unable to achieve the relevant target ecological status. The River Basin Management Plan 2018-2021 require improvements to the existing 'at risk' waterbodies in the catchment to 'good' status.
- 7.4.2. The nearest watercourse to the appeal site is situated approximately 150m to the west and this forms part of the Owengar system. According to the maps available on catchments.ie, this watercourse is noted to be 'not at risk' according to the EPA based on the WFD 'approved risk' and that it had a 'good' water quality status for the period 2013-2018. The Owengar river flows into Lough Allen, which is noted to be 'at risk' and it had a 'moderate' water quality status for the period 2013-2018.
- 7.4.3. The Owengar system, Lough Allen and the underlying groundwater are also noted by the EPA not to be under environmental pressure from domestic waste water. Despite the appeal site not being within a nutrient-sensitive location, according to the applicants the minimum performance standards for on-site wastewater treatment would be adhered to, including those relating to total Nitrogen and Phosphorous.
- 7.4.4. Having regard to the nature and scale of the proposed development, involving the decommissioning of an existing substandard wastewater treatment system and its replacement with a wastewater treatment system that would improve the quality of wastewater arising from the proposed development, I am satisfied that the proposed development would not result in a deterioration in ecological status of local

waterbodies and would not result in the waterbodies being unable to achieve the relevant target ecological status.

7.5. Other Matters

- 7.5.1. The grounds of appeal query whether or not all of the entire development on site is being adequately identified for retention, as part of the subject proposed development. Breach of planning conditions and/or unauthorised development would be an enforcement matter for the planning authority. With regard to the planning notices, I am satisfied that based on legislative requirements the public were sufficiently aware of the application, including the nature and scale of the proposed development and the development proposed to be retained.
- 7.5.2. The appellants assert that the applicants have already impeded property rights and that the proposed development would further impede these rights. Section 34(13) of the Planning and Development Act 2000, as amended, states that 'a person shall not be entitled solely by reason of permission under this section to carry out any development'. Should the Board decide to grant planning permission, the onus is on the applicants to ensure that they have adequate legal interest to carry out the proposed development, and an advice note to this effect should be attached in the event of a permission arising.

8.0 Appropriate Assessment

8.1. Stage 1 - Screening

- 8.1.1. The site location is described in section 1 of this report above. A description of the proposed development is provided in section 2 of this report and expanded upon below where relevant. A screening report for appropriate assessment was submitted with the application. Consultation was undertaken with the Department of Culture, Heritage and the Gaeltacht, as referenced above in section 6.5, and no response was received.

8.2. Relevant European Sites

8.2.1. Relevant European sites proximate to the appeal site and in the wider area are listed in section 5.2 above.

8.3. Is the Project necessary to the Management of European sites?

8.3.1. The project is not necessary to the management of a European site.

8.4. Direct, Indirect or Secondary Impacts

8.4.1. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- impacts on water quality, for example via the release of suspended solids, accidental spills or release of contaminants from made ground, including wastewater.

8.4.2. Impacts on water quality, including improvements, have been addressed in section 7.4 of this report.

8.5. Connectivity

8.5.1. There are three European sites within 12.2km of the appeal site and these are all upstream of the appeal site. Based on the source-pathway-receptor model, there is no direct connectivity from the proposed works site to the nearest European sites upstream.

8.5.2. The nearest downstream European sites, as listed in section 5.2 above, are a minimum separation distance of 42km from the appeal site with significant intervening waters, situated between the appeal site and these European sites, including Lough Allen. Based on the source-pathway-receptor model, there is not a direct connection from the appeal site to European sites located downstream.

8.5.3. The underlying groundwater in the appeal site surrounding area, the nearest watercourse, which is 150m to the west of the appeal site, and Lough Allen are not identified as habitat for SPA or SAC qualifying interests species.

8.6. In-combination Impacts

8.6.1. I am satisfied that likely significant in-combination impacts would not arise.

8.7. Stage 1 – Screening Conclusion

8.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and the proximity to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. Having regard to the existing development on site, the nature and scale of the proposed development, including the development for retention, and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development to be retained would not be out of character with development in the area, would not seriously injure the visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area. The proposed development and the development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28th day of August 2019, 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. Details of the materials, colours and textures of all the external finishes to the proposed extensions and outbuildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The outbuildings shall not be used for human habitation or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. A landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of tree protection measures;

(d) details of proposed boundary treatments, including heights, materials, finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

5. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency', 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the proposed extension and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(c) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(d) Prior to the first occupation of the proposed extension, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. 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 Bord 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.

Advice Note: Under Section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of permission under this section to carry out any development.

Colm McLoughlin
Planning Inspector

4th February 2020