



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307966-20

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<b>Development</b>	Permission for the construction of four 3 bedroom houses and the demolition of all sheds onsite.
<b>Location</b>	Coolrain Village, Mountrath, Co.Laois
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	19/313
<b>Applicants</b>	Keith & Wendy Delaney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal of Permission
<b>Appellant(s)</b>	Keith & Wendy Delaney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17.11.2020
<b>Inspector</b>	Anthony Kelly

## 1.0 Site Location and Description

- 1.1. The site is located in Coolrain village in west Co. Laois.
- 1.2. The site is in the northern area of the village on the western side of the main street. There are sheds, vacant properties and an occupied two storey house along the roadside boundary. The ground level of the public road increases from north to south with a corresponding increase in floor levels along the streetscape. There is an existing vehicular access that it is proposed to utilise with access over a public footpath. The site is relatively flat and is surfaced with gravel, grass and clay. Site boundaries comprise a timber fence and hedgerows. There are single storey public houses to both north and south of the site and a field to the rear/west.

## 2.0 Proposed Development

- 2.1. Permission is sought to construct 4 no. three-bedroom houses, additional car parking spaces and upgrade a previously granted septic tank treatment system.
- 2.2. Further information was submitted in relation to, inter alia:
  - A revised red line site boundary to include the permission previously granted under P.A. Reg. Ref. 18/576. The site area increased to 0.2721 hectares.
  - Justification for the demolition of the vernacular outbuilding.
  - Revisions to the proposed house types and designs and realignment of the houses with the footpath.
  - An amended 'Site Suitability Assessment Report'.
  - An 'Architectural Impact Assessment (Conservation) & Report (November 2019).

The application was re-advertised as significant further information.

- 2.3. Three subsequent clarifications of further information were sought in relation to water supply and wastewater treatment. Among other issues, the response submitted in relation to the second clarification request indicated a management company would maintain the infrastructure and homeowners would have a vested interest in the

management holdings. The response to the third clarification request stated that a management company has been set up by the applicants, who are the directors of same, and all seven houses, common areas and services will remain in the ownership of the company and rented.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused by the planning authority for two reasons as follows:

1. The response to clarification of further information provided by the applicant demonstrated that the applicant has not provided the local authority with adequate security to ensure that a dependable and safe drinking water supply will be available to the residents in accordance with the European Union (Drinking Water) Regulations S.I. 122 of 2014, as amended following completion of the development.

The proposed development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

2. The response to clarification of further information provided by the applicant demonstrated that the applicant has not provided the local authority with adequate security to ensure that Wastewater Treatment and collection will be operated and maintained so as to protect the environment.

The proposed development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

- 3.2.1. Five Planning Reports were prepared in the course of the application and they form the basis for the decision. The final report states that, in the circumstances, and notwithstanding the many positive aspects of the proposed development, including its village centre location, a refusal was recommended.

### 3.2.2. **Other Technical Reports**

**Area Office** – No objection.

**Road Design Office** – No objection subject to conditions.

**Water Services Section** – The final Planning Report sets out correspondence received from the Water Services Section advising that the response to the clarification of further information demonstrated that the applicants have not provided the local authority with adequate security to ensure either a dependable and safe drinking water supply or the wastewater treatment system would be operated and maintained so as to protect the environment.

**Waste Management & Environmental Protection** – No objection subject to conditions.

**Fire Officer** – Comments made.

### 3.3. **Prescribed Bodies**

**Department of Culture, Heritage and the Gaeltacht** – Following the further information response, the Department considered the impact on the surviving village fabric, character and plan form is detrimental through the scale of demolition and incremental development proposals along the main terrace of a historic village/settlement. Aspects of the justification for demolition of the vernacular outbuilding is disputed. The insertion of suburban type residences is of concern. The introduction of a 'barn' roof form is out of kilter with the hierarchy of traditional building types. The Department is not supportive of the scheme and would welcome reconsideration. Mitigation measures are recommended if permission is granted including retention and reuse of the vernacular outbuilding.

### 3.4. **Third Party Observations**

None.

## 4.0 Planning History

- 4.1.1. There has been one previous relevant planning application.

P.A. Reg. Ref. 18/576 – Permission was granted in 2019 to demolish existing houses and former post office, retain an existing extension to House No. 1, construct two no. 3-bed semi-detached houses and install a new septic tank treatment system to serve three houses.

## 5.0 Policy Context

### 5.1. Project Ireland 2040 National Planning Framework (NPF)

- 5.1.1. The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It contains a number of National Policy Objectives (NPOs). NPOs relevant to the planning application include:

NPO 6 – Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

NPO 16 – Target the reversal of rural decline in the core of small towns and villages through sustained targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

### 5.2. Eastern & Midlands Regional Spatial & Economic Strategy 2019-2031 (RSES)

- 5.2.1. Section 4.2 (Settlement Strategy) – Support the sustainable growth of rural areas by promoting the revitalisation of rural towns and villages, including ready to go regeneration projects coupled with investment where required in local employment and services and targeted rural housing policies, to be determined by local authorities.
- 5.2.2. Section 4.8 (Rural Places: Towns, Villages and the Countryside) states, inter alia in relation to housing, that facilitating housing is paramount to ensuring the sustainability,

vitality and viability of the rural places of the Region. Support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth.

- 5.2.3. Regional Policy Objectives (RPOs) for Rural Areas include RPO 4.77 and RPO 4.78 which, generally, support local authority development plans prioritising the regeneration of rural towns, villages and rural settlements. Policy RPO 4.83 is an objective to support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans.

### 5.3. Laois County Development Plan 2017-2023

- 5.3.1. Coolrain is designated as a 'Village <400 Population' in Figure 6 (Settlement Hierarchy). Policies under Section 2.5.1 (Settlement Hierarchy) include:

- Policy CS3 – Encourage appropriate levels of residential development in smaller settlements.
- Policy CS8 - 'Use the water services small schemes programme and group sewerage schemes programme in conjunction with local development groups and/or private individuals and developers to facilitate the development of waste water treatment facilities and water supplies in small settlements'.
- Policy CS9 – 'Facilitate the development of wastewater treatment facilities and water supplies in small settlements through co-operation with developers and community groups'.
- Policy CS12 - It is an objective to increase the delivery of housing units in areas of need and to encourage and facilitate the appropriate development and renewal of areas that are in need of regeneration to prevent e.g. adverse effect on existing amenity as a result of the neglected condition of land, urban blight or decay and a shortage of habitable houses.

- 5.3.2. Coolrain is specifically considered in 'Volume 2: Settlement Plans'. The site is zoned 'Village Centre' on Map 2.37 with 'new lighting' indicated to the street at this location on Map 2.38. There is a recycling centre location on the opposite side of the street. The public house adjacent to the north of the site is a protected structure (RPS No.

346, 'Sheeran's Thatched Pub'). The Village Centre zoning objective is 'to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities'. Its purpose is, inter alia, to enhance the vitality and viability of village centres through the development of under-utilised land and brownfield sites. Dwellings are open for consideration in Table 31 (Land Use Zoning Matrix) of the Plan.

- 5.3.3. The 'character and context' section notes that properties in the centre of the village have fallen into disuse and dereliction. It notes that there are significant gaps along the main street which provide ample opportunities for backland and infill development, but it recognises the absence of foul drainage infrastructure is a development constraint. The absence of a public water supply is also referenced. 19 no. objectives are set out in relation to the village (Objectives COOL1 – COOL19). Objectives COOL1-3 and COOL 5 state, inter alia, infill development to consolidate Main Street, ensure development along Main Street is sympathetic to the vernacular character of some of its buildings, encourage redevelopment of derelict, vacant or underused structures and housing developments shall be of a density comparable with prevailing density while higher densities may be considered in the village centre. Objective COOL16 states it is an objective to 'ensure that new housing has sufficient wastewater treatment facilities and conditions of maintenance attached'.

#### **5.4. Natural Heritage Designations**

- 5.4.1. The closest Natura 2000 site is River Nore SPA and River Barrow and River Nore SAC approx. 240 metres to the north.

#### **5.5. EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The main points made can be summarised as follows:

- The Council offers no form of water or wastewater infrastructure for the village. Permission was granted under P.A. Reg. Ref. 18/576 which included an on-site wastewater treatment facility and connection to a private water supply which also supplies other properties. The application seeks to increase the number of houses by four. Over the past five years the Council has granted 15 no. one-off houses/extensions to houses around Coolrain. This contradicts local and national policy where one-off houses are preferred over infill sites in villages.
- None of the Council's internal departments refer to the Core Strategy of the County Development Plan. Strategic Aims 1 and 5 should form part of the assessment. Aim 1 provides for the growth of Laois to be structured in a balanced manner encompassing the maintenance of viable rural communities. Aim 5 facilitates the provision of housing in a range of locations. Section 2.3.1 (Considerations) (vi) states that town/village centre zoning is the preferred choice for residential development. Section 2.5 aims to ensure that towns and villages offer attractive and affordable housing options to meet the needs of urban and rural communities. Policies CS1, CS3, CS4, CS8, CS9 and CS41 are also relevant.
- Policy HP14 of the County Development Plan, which encourages the conversion of old disused buildings, is applicable.
- Small rural villages will in future show a considerable change from what is currently viewed as a rural village because of broadband rollout and homeworking and co-working spaces. There will not be a necessity to work in agriculture or commute to larger towns. Immediate investment in housing and infrastructure will benefit the local community economically into the future. Policies ECN5, ECN17 and ECN22 of the County Development Plan (economic development policies) were not considered in the assessment.

- The Council is the supervisory Authority for 50 no. group water schemes connected to a public water source and 30 no. schemes which use privately sourced groundwater. They also supervise 87 no. small private supplies with a commercial or public use including 14 no. national schools and 4 no. private housing estates. It is not contrary to the European Union (Drinking Water) Regulations, 2014, for the Council to work with the developer and it should be encouraged. The water supply is already used for commercial use in the village and it is the responsibility of the Council to facilitate the supply of additional houses. It was deemed satisfactory under P.A. Reg. Ref. 18/576 and no valid reason has been provided as to why an additional four houses impact in such a way that the application would be refused. The Council has failed to implement their own policies, and failed to work with Irish Water, and villages are deficient in public infrastructure. The future of rural villages is left to private developers who are in turn curtailed by the same authority.
- Substantial information has been provided in the application around the specifications and testing for the boreholes regarding water supply and the wastewater treatment system. The wastewater treatment system adheres to the EPA Code of Practice. It appears the Local Authority has no concerns regarding either but more a concern around how they are managed going forward. This should not be a reason for refusal as a grant of permission is not a permission to begin development on site. Such administrative tasks can be conditioned and resolved prior to commencement of development. The Board is requested to consider a grant with such conditions that would ensure appropriate management of the infrastructure.
- Policy DM20 of the County Development Plan states infill development is encouraged in principal.
- Section 22 of Volume 2: Settlement Plans of the County Development Plan sets out descriptions and policy objectives for Coolrain. The development complies with Objectives COOL1, 3 and 5. Objectives COOL6 and 7 require population increases to be successful. All the required documentation has been submitted for Objective COOL16 (wastewater). Maintenance has been agreed and a

management company has been set up and registered with the Company Registration Office as 'Coolrain Estate Owner Management' CLG No. 672984.

- Two objectives of the National Planning Framework are relevant: 15 and 16.
- A wastewater treatment service and maintenance agreement has been submitted with the grounds of appeal.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

None.

## 6.4. **Further Responses**

None.

## 7.0 **Assessment**

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

- Zoning
- Site Layout and House Design
- Water Supply
- Wastewater Treatment
- Appropriate Assessment

### 7.1. **Zoning**

- 7.1.1. The proposed development is located in an area zoned 'Village Centre' in Coolrain, a village designated as a 'Village <400 Population' in the Laois County Development

Plan 2017-2023. Houses are open for consideration. Given the various national, regional and local policies and objectives set out in Section 5.0 (Policy Context), I consider that residential development in the village centre is an acceptable land use and the principle of the development is therefore acceptable, subject to the detailed considerations below.

## **7.2. Site Layout and House Design**

### Site Layout

- 7.2.1. The cover letter submitted with the application states that, during the planning process for P.A. Reg. Ref. 18/576, the applicants bought the shed to the front of the land and decided to proceed with additional housing.
- 7.2.2. The existing, occupied house and two new houses granted under P.A. Reg. Ref. 18/576 formed a terrace and had their building lines directly onto the public footpath. One of the houses in the current application extends the permitted terrace with three houses on the other side of the vehicular access. The car parking area and wastewater treatment system to the rear of the building line are located in the same general area as permitted and are increased in size. As some alterations were proposed to the permitted development, and it included the well, the red line site boundary was revised as part of further information to incorporate the original permission on site. The proposed terrace of three was revised to become a semi-detached block with a slightly set back detached unit adjacent to the northern site boundary.
- 7.2.3. I consider the site layout to be acceptable. It is similar to that granted under the extant permission and a building line is maintained along the northern area of the site, replacing the existing sheds with residential development.

### House Design

- 7.2.4. The existing, occupied house is a two-storey five bay house. The two permitted houses are two-storey houses which have a common ridge level lower than the occupied house. The four houses originally proposed were similar to the permitted houses in scale and design and also had lower finished floor and ridge levels.
- 7.2.5. The planning authority expressed concern about the impact of the proposed development on the protected structure adjacent to the north, Sheeran's Pub. A

submission from the Department of Culture, Heritage and the Gaeltacht had also expressed concern about the demolition of the vernacular outbuilding and the overall effect of dense urban uniformity in a rural village. In response to these issues revised house types for the four proposed houses were submitted. Fenestration on the house adjacent to the south of the access was altered. The terrace of three houses north of the entrance was revised to a semi-detached block, with well-proportioned vertical emphasis openings on the front elevation, and a detached unit to the northern boundary. The detached house was stepped back and is a significant departure from the rest of the streetscape with a contemporary design including a curved roof, extensive glazing to the front elevation and finishes including standing seam and cedar cladding. The further information response included an 'Architectural Impact Assessment (Conservation) & Report' which considers that the development can blend easily and harmoniously with the existing buildings, will provide a clear visual distinction between the new construction and the protected structure and will have a complementary impact on the protected structure. The Department considers the insertion of suburban type residences to the historic village is of concern. The 'barn' roof form was considered to be out of kilter and, overall, the Department was not supportive of the proposed scheme. However, mitigation measures were recommended in the event of a grant.

- 7.2.6. While I note the concerns expressed by the Department, I consider that the revised house types are acceptable on the streetscape. They provide some variety without dominating the area and I consider that the adjacent protected structure will not be adversely affected. The provision of additional residential development in lieu of sheds, which do not appear to be in use, in the village centre area is welcome.

### 7.3. **Water Supply**

#### Planning Authority Assessment

- 7.3.1. Concern about a dependable and safe water supply for residents was the first reason for refusal in the local authority decision.
- 7.3.2. The well is located to the rear of the existing house on site. The cover letter submitted with the application stated the well supplies the house and pub in the village. The pub appears to be the pub adjacent to the south of the site. The revised site boundary

incorporated the well location into the current application. Clarification was sought for more detail on the well. The response stated that no additional residences or properties were using the well and the well is not registered with the local authority. In response to the third part of the clarification request as to the capacity of the well, a yield test (144m<sup>3</sup> of water was pumped over the 72 hour test) and water quality report was submitted.

- 7.3.3. On foot of the clarification of further information response, a Senior Engineer in the Water Services and Environment Section recommended a refusal based on both the proposed water supply and the wastewater treatment aspects of the development. The recommendation noted that the water supply source is a private borehole and involves serving four additional houses. The supply is not exempt under the European Union (Drinking Water) Regulations 2014, as amended, and as such would be registered as a Small Private Supply with a Public Use. This results in the Council assuming the role of Supervisory Authority for this supply and the owner of the source being the water supplier. The Council has no information on the design or construction of the borehole and no information on the water treatment system installed or the network involved. There is no evidence as to how this scheme will be operated or maintained. It therefore constitutes a serious risk to the public health of those persons proposed to be served.
- 7.3.4. An opportunity to address the concerns raised was allowed and a second clarification request issued requiring detail regarding the design and construction of the borehole and how the water supply was to be operated and maintained. Correspondence was provided by the company who drilled the well in October 2017. Water supply will be metered. A management company will maintain the infrastructure and homeowners will have a vested interest in the management holdings. Questions still remained outstanding from the Senior Engineer and a third clarification of further information request was issued.
- 7.3.5. The response to the third clarification stated the well only serves a single house, contrary to previous correspondence and Section 2.0 of the grounds of appeal which states that the private water supply also supplies other properties in the village. The response notes that minor alterations will be required because of the larger development and headworks will be completed in full prior to commencement of development. Results of an updated test on three microbiological parameters was submitted. The response also states that a management company has been set up by

the applicants and all houses will remain in the ownership of the company and rented. The Planning Report prepared on foot of this clarification response refers to correspondence from the Water Services Section, which has not been forwarded, and recommended refusal for the reason set out under Section 3.1.

#### Assessment

- 7.3.6. The first reason for refusal relates to water supply and, in particular, to the fact the local authority had not been provided with adequate security to ensure a dependable and safe drinking water supply would be available to residents in accordance with the European Union (Drinking Water) Regulations S.I. 122 of 2014, as amended.
- 7.3.7. Provision of a potable water supply is necessary for a development and the proposed increase in the number of houses intensifies the use of the well. The well is necessary in the absence of any public or group water scheme. Documentation submitted states 144 cubic metres of water was pumped in a 72 hour period which I consider to be more than adequate for the number of houses proposed. Water quality results were submitted which indicated no enterococci, coliforms or E-coli, notwithstanding the Water Services and Environment Section report reference to a full audit suite of results.
- 7.3.8. Under P.A. Reg. Ref. 18/576 this well served the existing house and two new houses. It was not an issue in the planning application. Condition 10 of the grant of permission stated that the developer shall ensure provision of a clean, potable water supply compliant with the E.C. (Drinking Water) Regulations, 2000, as amended. In the current application the overall development will remain in charge of a management company under the applicants' control and their responsibilities in this regard are acknowledged in the documentation received. I consider it appropriate, in the circumstances, to retain all houses under the ownership and control of a management company because of issues relating to rights-of-way, maintenance of shared services etc.

#### Conclusion

- 7.3.9. I consider that it is not reasonable to refuse permission on the basis of the first reason for refusal cited by the local authority. This is a rural village where there is no public water infrastructure. It is national, regional and local policy that these villages be appropriately developed and provide alternatives to one-off rural housing. If private

developers are not facilitated for proposals such as this then these rural villages will not develop. I consider the water supply issue to be acceptable.

#### **7.4. Wastewater Treatment**

##### Planning Authority Assessment

- 7.4.1. The application proposes to upgrade the permitted system from a three-house system to a seven-house system. An amended Site Suitability Assessment Report was submitted by way of further information because the one initially submitted related to P.A. Reg. Ref. 18/576. This revised report noted the maximum number of residents as 35 no. The trial hole and percolation tests details remain unchanged from the extant permission. Sections 4 (Conclusion of Site Characterisation), 5 (Recommendation) and 6 (Treatment System Details) were updated. A packaged wastewater treatment system and polishing filter is the only type of system identified as suitable and the trench invert level has changed from 0.4 metres to 0.8 metres. The capacity of the treatment system proposed is 40 PE. The soil polishing filter has been increased to 525sqm. The recommendation also states that a management company should be established to maintain the system.
- 7.4.2. On foot of the further information response, the Environmental Protection Section recommended refusal because concerns expressed in their initial report regarding responsibility for the operation, maintenance and servicing of the proposed wastewater treatment system had not been addressed. The report stated that experience has shown that management companies cannot be relied upon to maintain the ongoing works needed for such a shared service. Notwithstanding, I note the same engineer initially recommended further information requiring the applicants to state who would be responsible for applying for a required Discharge Licence and maintaining the system. There was no reference to a reservation about a management company and the report also recommended four conditions to be applied should permission be granted.
- 7.4.3. On foot of the clarification of further information response, which only referenced the well, a Senior Engineer in the Water Services and Environment Section recommended a refusal based on both the proposed water supply and the wastewater treatment aspect of the development. In terms of wastewater, the report stated that there is no

evidence as to how the shared system is to be operated and maintained. Therefore, the proposal constitutes a serious risk to the environment and may also have the potential to result in the contamination of the borehole source for the water supply.

- 7.4.4. The applicants were afforded the opportunity to address the concerns raised in this regard. A second clarification request issued requesting evidence as to how the shared system is to be operated and maintained. In response it was stated that the wastewater treatment system will be maintained and operated by a management company. Questions still remained outstanding from the Senior Engineer and a third clarification request issued.
- 7.4.5. The third clarification response states that a management company has been set up to cover all aspects of the development and will retain ownership of the entire development. It is expected rents will cover day to day running costs of the infrastructure. The Planning Report prepared on foot of this clarification response refers to correspondence from the Water Services Section, which has not been forwarded, and recommended refusal for the reason set out under Section 3.1.

#### Assessment

- 7.4.6. The second reason for refusal relates specifically to the wastewater treatment element of the development and, in particular, to the fact the local authority had not been provided with adequate security to ensure operation and maintenance of the system so as to protect the environment.
- 7.4.7. Under P.A. Reg. Ref. 18/576 one effluent treatment system was proposed to serve the existing house and two new houses. Item 7(b) of the further information request issued under P.A. Reg. Ref. 18/576 requested detail of the management arrangements for the system. The amended Site Suitability Assessment Report submitted recommended that a management company be established to maintain the system. A report received from the Environmental Protection Section noted that a shared system was proposed for three properties and, as responsibility for the operation of the system is a concern, a maintenance and service agreement contract should be provided with the supplier of the system. Conditions 3, 4 and 5 of P.A. Reg. Ref. 18/576 are relevant with Condition 4 specifically requiring the establishment of a management company for the management and maintenance of the wastewater treatment system and communal areas.

- 7.4.8. Having regard to the extant permission I consider that the principle of wastewater treatment on site has been established and the system should be constructed in accordance with the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels. The soil polishing filter area has been increased to 525sqm.
- 7.4.9. However, Table 4 (Recommended Minimum Distances from Treatment Systems) of the EPA Manual cites a 28 metres distance for a system with a PE between 10-40. Therefore, the distance is the same for both the extant and proposed systems. However, while the houses permitted under the extant permission achieve the required 28 metres distance, because the proposed houses are located in much closer proximity, they do not. Section 3.9 (Site Suitability and Security) states that there should be a buffer zone around systems to avoid odour and noise nuisance. It states that ‘residential developments should not occur within the buffer zone except in exceptional circumstances and in no case should residential development be undertaken within the distance outlined in Table 4’. The site layout plan shows the rear building line of the proposed detached house within approx. 12 metres of the proposed tank and approx. 18 metres from the proposed percolation area and none of the other proposed houses are outside the 28 metres distance.

#### Conclusion

- 7.4.10. Having regard to the extant permission, and the fact that a management company was considered acceptable under that permission to operate and maintain the wastewater treatment system, I do not consider that the second planning authority reason for refusal is reasonable.
- 7.4.11. Notwithstanding, all four proposed houses are located within the 28 metre distance from the wastewater treatment system set out in Table 4 (Recommended Minimum Distances from Treatment Systems) of the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels. Therefore, I consider the proposed development would be contrary to the provisions of the Manual and would be prejudicial to public health.

## 7.5. Appropriate Assessment

- 7.5.1. The site comprises a vacant, underused brownfield area within the centre of the village. There are structures on site to be demolished and the surface is generally grass, gravel and clay.
- 7.5.2. The site is not in or immediately adjacent to a Natura 2000 site. The closest Natura 2000 sites are River Nore SPA and River Barrow and River Nore SAC approx. 240 metres to the north. Other Natura 2000 sites within approx. 7.5km are Knocknacoller Bog SAC, Coolrain Bog SAC, Slieve Bloom Mountains SPA and Slieve Bloom Mountains SAC.

### Preliminary Screening

- 7.5.3. There is no watercourse on site. The closest watercourse is the River Tonet, approx. 240 metres to the north. This river becomes part of the River Nore SPA and the River Barrow and River Nore SAC, on the east side of the Mill Bridge, north of the site. There is no hydrological source-pathway-receptor link between the site to any Natura 2000 site. Therefore, I am satisfied that the potential for impacts on SACs can be excluded at the preliminary stage due to the separation distances from these sites and the absence of an ecological and hydrological pathway.
- 7.5.4. I also consider that Qualifying Interest bird species associated with the River Nore SPA and Slieve Bloom Mountains SPA (kingfisher and hen harrier respectively) can be excluded at preliminary stage. The site is a village centre brownfield site with a substantial area surfaced in gravel. The removal/redevelopment of this area would have no impact on any Qualifying Interest bird species.

### Preliminary Screening Conclusion

- 7.5.5. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, with no hydrological pathway to any European site, 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.

## 8.0 Recommendation

- 8.1. I recommend that the planning application be refused for the following reason and consideration.

## 9.0 Reason and Considerations

1. Having regard to the location of the proposed houses within the 28 metres distance cited in Table 4 (Recommended Minimum Distances from Treatment Systems) of the Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels published by the Environmental Protection Agency in 1999, the development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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Anthony Kelly

Planning Inspector

01.12.2020