



Board Direction

Ref: PL05.245498

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12th January 2016. The Board decided by a majority of 2:1 to refuse permission, in accordance with the draft reasons and considerations set out below.

REASONS AND CONSIDERATIONS

The proposed waste water percolation area would be located on a separate landholding that is not within either the ownership or control of the owner of the house. The Board is therefore not satisfied that the applicant has sufficient legal interest in these lands to provide for the appropriate disposal of foul effluent at this location to serve the house on a permanent basis. It is not considered that the letter of consent provided to the applicant gives adequate assurance in terms of permanent legal rights of access for maintenance or other future works, and control of use of these lands, by the current or future owners of the house. It is therefore considered that the development proposed to be retained and completed would constitute disorderly development, would be prejudicial to public health, and would constitute a risk to the environment in an area identified by the Environmental Protection Area as being at very high risk from domestic waste water pollution. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that it would not be appropriate to provide for the disposal of foul effluent at a location outside the landholding serving the house and over which the owners have no permanent legal control, associated with the dwelling, in terms of access, maintenance, provision for future works, or control of land uses appropriate to a percolation area.

Note:

The Board noted that the proposed percolation area does not meet the minimum separation distance of 4 m to the proposed access road, as set out in the Code of Practice issued by the Environmental Protection Agency, "Wastewater Treatment and Disposal Systems Serving Single Houses" (2010). Furthermore, it was noted that the proposed percolation area is designed to serve a population equivalent of 7, which would not provide appropriately the house, which is designed for a population equivalent of 10. However, it was considered that these matters could have been addressed by means of condition, and the Board, therefore, decided not to refuse permission on those grounds.

Please issue a copy of this Direction with the Board Order.

Board Member: _____ Date: 12th January 2016
Fionna O' Regan