



An
Bord
Pleanála

Board Direction

PL27.246825

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 19th 2016.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

The site for the proposed development is located in an area identified by the Environmental Protection Agency as being of very high risk from domestic waste water pollution, and is proximate to an area at risk of flooding. It is considered that, by reason of the extremely limited area within which to locate a waste water treatment system and associated percolation area / raised polishing filter, and the close proximity of other structures, including petrol and diesel pumps and associated infrastructure, and by reason of the lack of compliance with the minimum separation distances set out in the Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10), EPA 2009, due, inter alia, to the proximity of the subject site to neighbouring residential property, the proposed development would be prejudicial to public health, and would seriously injure the residential amenities of adjoining property. The proposed 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 was of opinion, based on the documentation submitted with the application and appeal, that the proposal to provide a domestic waste water treatment system for this partly commercial development was not appropriate in the context of this restricted site, and that a fully commercial waste water treatment system, which would allow for the fluctuating loads associated with the sanitary facilities associated with the shop/petrol filling station, may be more appropriate.

NOTE: The Board noted the point raised by the third party appellant in his second submission to the planning authority, that the location of the

proposed waste water treatment system would be located within the area identified as part of the preferred route upgrade to the N81, and that therefore would be potentially prejudiced by such road works. However, it decided not to further investigate this matter, nor to include it as an additional reason for refusal, based on the substantial reason for refusal outlined above, as it would constitute a new issue in the context of the appeal.

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

Board Member: _____
Philip Jones

Date: 25th October 2016