An Coimisiún Pleanála

Direction
CD-020509-25
ABP-322431-25

The submissions on this file and the Inspector's report were considered at a meeting held on 20/08/2025.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning Commissioner: MaryRose McGovern **Date:** 21/08/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. The Commission noted the failure to fully implement planning permission reference 971023, including the attendant conditions. Having regard to the scale and nature of permitted development on the subject appeal site, the scale and nature of intensified development proposed to be retained and the scale of further proposed development, which includes a proposed significant increase in site size, it is considered that the proposed development, as presented, represents a haphazard and piecemeal intensification that has not been suitably justified at this location and is excessive for this rural site. Therefore, the development proposed to be retained, and the proposed development, as presented, would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the stated anticipated population equivalent (PE) in excess of 10 persons for the proposed Waste Water Treatment System, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development, including trade effluent, can be satisfactorily treated or disposed of on site in accordance with recommendations set out in the EPA Wastewater Treatment Manual (Treatment Systems for Small Communities, Business, Leisure and Hotels) 1999 and, in particular, the recommended separation distances contained therein, notwithstanding the proposed use of a proprietary wastewater treatment system and associated low pressure percolation bed. The proposed development would, therefore, be prejudicial to public health.

3. The subject appeal site is located proximate to the River Goul_30 which has a current 'at risk' status. In addition, the subject appeal site straddles both the Shanahoe Groundwater Body (Groundwater Body Code: IE_SE_G_119) and the Rathdowney Groundwater Body (Groundwater Body Code: IE_SE_G_114) which underlie the site, and although both are stated as being 'not at risk', there is insufficient information presented as part of the application and appeal to definitively determine whether or not the proposed development will not result in a deterioration of the existing WFD quality status of these said sites. Consequently, the Commission is not satisfied that the proposed development will not impact negatively upon the ability of the aforementioned waterbodies to achieve the relevant water quality status required under the Water Framework Directive. Therefore, the proposed development, as presented, is not considered to be in accordance with the proper planning and sustainable development of the area.