



An
Bord
Pleanála

Board Order
PL 08.248491

Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County

Planning Register Reference Number: 16/781

Appeal by Ray Madden of Caherdaniel, County Kerry against the decision made on the 18th day of April, 2017 by Kerry County Council to grant subject to conditions a permission to Eilish Madden care of Niall Lyne of Countess Grove, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of (a) modifications and alterations to the internal layout of existing private dwellinghouse, (b) modifications and alterations to the elevations of existing private dwellinghouse, (c) the as built pavilion and (d) all landscaped site works at Faughbawn, Muckcrosss, Killarney, County Kerry as amended by the revised public notice received on the 8th day of March, 2017 providing for retention of all within revised site boundaries and the revised public notice received on the 24th day of March, 2017 providing for (a) decommissioning of the existing septic tank, (b) installation of a new wastewater treatment system incorporating a new septic tank and percolation area and (c) retention of all within revised site boundaries.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the permitted development on the appeal site, the pattern of development in the immediate area, and the extent of the development proposed and to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 8th day of March 2017 and on the 24th day of March, 2017 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 retained, carried out and completed in accordance with the agreed particulars

Reason: In the interest of clarity.

2. The house to be used as a single dwelling unit only.

Reason: In the interest of clarity.

3. Within six months of the date of this order, the development shall be provided with a packaged wastewater treatment unit ("Tricel P8" or alternative equivalent packaged wastewater treatment unit as may be agreed with the planning authority), a packaged sand polishing filter (Sandcel or alternative equivalent packaged sand polishing filter as may be agreed with the planning authority) and a gravel distribution layer to serve the premises in accordance with the Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009 and the further plans and particulars received by the planning authority on the 8th day of March. The packaged wastewater treatment unit shall have a European Technical Approval Certificate and shall be compliant with the criteria in Irish National Annex Table NA1 and Table NA2. The packaged wastewater treatment unit, sand polishing filter and gravel distribution layer shall be installed, operated and maintained in accordance with the Code of Practice - Wastewater Treatment

and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009 and the manufacturer's instructions.

- (a) the packaged wastewater treatment unit, sand polishing filter and gravel distribution layer shall be located and installed on site as set out in the plans and particulars received by the planning authority, and, in particular, as per drawings numbers AM1721W01" and "AM1721W02" received by the planning authority on the 8th day of March, 2017,
- (b) the packaged wastewater treatment unit and sand polishing filter shall comply with all separation distances listed in Table 6.1 of the Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009, except as may be otherwise agreed by the planning authority,
- (c) the packaged wastewater treatment unit and sand polishing filter shall have, at a minimum, the capacity to cater for a maximum Population Equivalent of 7,
- (d) the packaged wastewater treatment shall be certified as compliant with the relevant part(s) of EN12566,
- (e) the wastewater treatment system shall incorporate a suitable alarm system (both audible and visible) which shall activate in the event of any malfunction of the system,
- (f) the gravel distribution layer shall have a minimum plan area of 31 square metres,

(g) storm-water drains, watermains, service pipes, soakaways, access roads, driveways, paved areas or land drains should not be located within or around the gravel distribution layer,

The growth or any type of tree or plant which develops an extensive root system should be limited to the minimum distance of three metres from the gravel distribution layer. This restriction also applies to the cultivation of crops necessitating the use of machinery, likely to disturb the gravel distribution layer.

Reason: In the interest of public health and environmental protection.

4. Within four weeks of the completion of installation and subsequent commissioning of the proposed effluent treatment system, the applicant shall submit a certificate from a suitably qualified person, the holder of up-to-date professional indemnity insurance, which shall include the following:-
 - (a) a statement that the proprietary wastewater treatment unit, sand polishing filter and gravel distribution layer have been installed in accordance with the details submitted to the planning authority on the 8th day of March, 2017 ,
 - (b) a statement that the proprietary wastewater treatment unit, sand polishing filter and gravel distribution layer have been installed in accordance with the Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009,
 - (c) a statement that the proprietary wastewater treatment unit and sand polishing filter have been installed in accordance with the manufacturer's instructions,

