

Planning and Development Acts 2000 to 2020

Planning Authority: Laois County Council

Planning Register Reference Number: 20/320

APPEAL by Thomas Milner of Cappakeel, Emo, Portlaoise, County Laois against the decision made on the 6th day of November, 2020 by Laois County Council to grant subject to conditions a permission to Shane and Ailish Mooney care of Patrick Kelly of Pooles House, Doonane Hill, Wolfhill, County Laois.

Proposed Development: Construction of a new dwellinghouse with garage, treatment system with percolation area, new well, new site entrance and all associated site works at Cappakeel, Emo, Portlaoise County Laois.

Decision

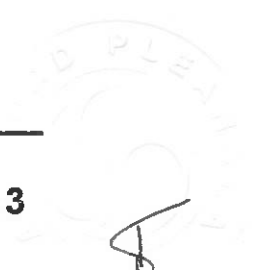
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

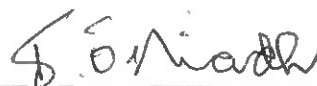
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the location of the site within an area identified as being an 'Area Under Strong Urban Influence' (Figure 7 – Rural Area Designations) in the Laois County Development Plan 2017-2023, to Regional Policy Objective RPO 4.80 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 in relation to housing, and to National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of single houses in the countryside in areas under urban influence based on the core consideration of demonstrable economic or social need to live in a rural area, it is considered that the applicants do not come within the scope of the housing need criteria as set out for a house at this location. It is considered that the applicants have not sufficiently demonstrated an economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development would not comply with Regional Policy Objective 4.80 and National Policy Objective 19. In the absence of any identified locally based need for the house, the proposed development would be contrary to regional and national housing policy and objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.



2. In relation to wastewater treatment, the Board noted that the site is in an area with a regionally important aquifer of moderate vulnerability. From the Site Characterisation Form submitted with the application, the Board noted that the T-test result was 57.50. A P-test was also carried out giving a result of 18.31. Based on the P-test result, the Site Characterisation Form suggests that the site would appear suitable for a secondary treatment system with a polishing filter at ground surface or overground. In terms of separation distances, the Board noted that Section 1 (General Details) of the Site Characterisation Form states that there are four number double bedrooms proposed giving a maximum number of residents/design population equivalent of six. However, there are five double bedrooms proposed giving a design population equivalent of seven. The 300 square metres surface area for the polishing filter as set out in Section 6 (Treatment System Details) is therefore inaccurate. This area was calculated 'using T values of 51-75 for 6 DPE'. As the incorrect number of bedrooms was cited, the area proposed appears to be undersized and an area of ≥ 350 square metres would be required. This would have implications for separation distances given the size of the site. The proposed development would, therefore, be contrary to public health and to the proper planning and sustainable development of the area.



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 27th day of July, 2021.

