

Planning and Development Act 2000, as amended

Planning Authority: Laois County Council

Planning Register Reference Number: 2460441

APPEAL by Lee Coyle of Killeshin Road, Killeshin, County Laois against the decision made on the 16th day of September 2024 by Laois County Council to grant a permission, subject to conditions, to Eugene Smartt care of James Kealy of Carlow Gateway Business Centre, Athy Road, Carlow, for the proposed development.

Proposed Development: Application to retain alterations to previously granted planning permission Planning register reference number 93/272 to include the construction of a porch to the front elevation, the addition of a window and patio doors to the northwest facing elevation, changes to rear elevation to include removal of back door, internal alterations, and relocation of septic tank and percolation area. 2. The construction of three number domestic sheds, and all associated site works at, Arus Suain, Killeshin, Carlow, County Laois.

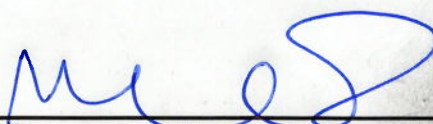
Decision

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

Reasons and Considerations

Having regard to Table 6.2 of the Environmental Protection Agency's 2021 Code of Practice for Domestic Waste Water Treatment Systems (DWWTS), which sets out certain requirements for DWWTS, including certain minimum separation distances, the Commission was not satisfied, on the basis of the information submitted by the applicant, that the development proposed to be retained is fully compliant with requirements of the said Code of Practice. In the absence of details to confirm that the DWWTS proposed to be retained is fully compliant with the Code of Practice, the Commission was not satisfied that the proposed development, and the development proposed to be retained, would not be prejudicial to public health or to the environment. The proposed development, and the development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

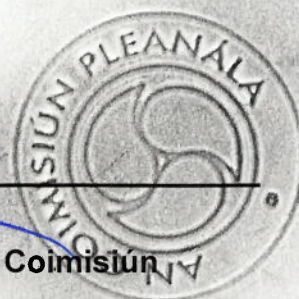
In deciding not to accept the Inspector's recommendation to grant permission, the Commission noted the observation of the Inspector that a site suitability assessment was not submitted with the application. The Commission also noted that, in response to a request to the applicant for detailed drawings and particulars of the relocated septic tank and percolation area demonstrating compliance with the Environmental Protection Agency's 2021 Code of Practice for Domestic Waste Water Treatment Systems, including the required minimum separation distances set out at Table 6.2 of the Code, the applicant was unable to confirm compliance with the requirements of the Code. The Commission did not therefore share the opinion of the Inspector that, having regard to the relatively limited size of the site and the limited separation distance between the permitted location of the DWWTS and the location of the DWWTS proposed to be retained, it was appropriate to conclude that the retention of the DWWTS would not result in a potential risk of pollution to the water well supply or that it would not have a negative impact on water supply for existing properties in the locality.



MaryRose McGovern

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 3rd day of November 2025.