



An
Bord
Pleanála

Inspector's Report PL27.246825

Development	Permission to install a replacement Waste Water Treatment System at Hollywood Cross, Hollywood, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	15/919
Applicant(s)	Brendan Daly
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Appellant(s)	Third Party v. Grant (George Murphy)
Observer(s)	None
Date of Site Inspection	2 nd September 2016
Inspector	Dáire McDevitt

1.0 Site Location and Description

The application site is located c. 400 metres west of Hollywood village at Hollywood Cross at the junction of the N81 and R756 along the Wicklow Gap route c. 9km south of Blessington. There is a petrol station, shop with first floor living accommodation and carwash on site. A low wall forms the roadside boundary along the N81, the boundaries along the R756 are open and serve as the access to the site. The boundary with the adjoining residential development (appellant's house) is a block wall. The area in general is scenic and one of the country's main tourist routes.

2.0 Proposed Development

2.1 Replacement of existing septic tank and installation of a new proprietary waste water treatment system and sand polishing filter.

Documentation included:

- Site Characterisation Report which also includes information on existing conditions.

2.2 Under Further Information a Report (reviewing the original Site Characterisation Report) was submitted.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 4 no. conditions which included:

2. *Prior to the commencement of development, the applicant shall submit to and for the written agreement of the Planning Authority:*
 - a. *Proposals, including a revised site layout plan for the installation of a sand filter of 15sq.m in lieu of the 12.5 sq.m proposed.*

b. Proposals for the installation and maintenance of grease removal unit to prevent grease from entering the aerated zone of the BAF as per the requirements of Section 9.3 of the EPA Code of Practice, 2009.

Reason: to ensure the provision of an adequate sewerage disposal system, in the interests of public health and residential amenity.

3. *The waste water treatment system shall be laid out as proposed, as amended by requirements of condition 2 above; and constructed to the specification of Wastewater Treatment and Disposal System Serving Single Houses (p.e ≤10), Code of Practice, published by E.P.A 2009 and any referenced design manuals.*

Following installation of the system the applicant shall submit to the Planning Authority:

- a) Photographic evidence of the installation of the septic tank/secondary treatment unit, distribution chamber, percolation trenches/polishing filter and pipes and grease removal unit, etc.*
- b) Certification that the sand used within the Sand Polishing Unit is of required standard.*
- c) A certificate from a Chartered Engineer, Environmental Health Officer or Hydrologist, (with professional indemnity insurance) stating that the effluent disposal system has been installed in accordance with this condition.*

Reason: To ensure the provision of an adequate sewerage disposal system, in the interests of public health and residential amenity.

3.2 Planners Reports (19th October 2015 & 10th June 2016)

3.2.1 The Planner's Reports form the basis of the Planning Authority's decision; the main issues are summarised as follows:

- The existing system on site is substandard and, given the site constraints it is accepted that it may not be possible to up-grade the existing system to current standards. However, it was considered appropriate to ensure that the submitted proposals are suitable and the most appropriate for the site.
- The installation of a replacement system and compliance with the EPA Code of Practice for Single Houses and the justification for the use of a

domestic system to cater for the demands of the site formed the basis of a detailed Further Information request.

- The treatment of wastewater from the carwash on site was raised in the Planners Report of the 19th October 2015. However, the Further Information that issued sought clarification on whether or not the carwash formed part of the current application.
- The Further Information included recommendations from the Council's Environmental Section and the EHO.
- The Report dated 10th June 2016 noted: *"It is noted however that it would not be appropriate to attach conditions relating to the existing carwash facility, permitted under PRR01/4836"*
- The Planning Authority attached a condition that no run off from the site (including the carwash) shall be allowed to be discharged to the proprietary waste water treatment system.

3.2.2 Based on the revised proposals submitted, which included the installation of a sand polishing filter the Planning Authority was satisfied that the proposal to install a new treatment system was preferable to the existing system.

3.3 Other Technical Reports

- **Water & Environment Section:**
 - Concerns raised regarding disposal of effluent from the carwash to a soakaway as unacceptable and request for revised proposals to include a closed recycling treatment plant.
 - Submission on the Further Information response noted *'that dirty water or run off from vehicle washings and cleaning carried out as part of a business are referred to as 'trade effluent' and when discharged to*

surface water is subject to the licencing provisions of the Local Government (Water Pollution) Acts 1977-1990'.

- **Environmental Health Officer:** Concerns raised as follows:
 - Due to the probability of a high water table in the winter months, separation as set out in the EPA Code of Practice needs to be adhered to to minimise the risk of any seepage into the adjoining site.
 - Request for a breakdown of the population equivalent for the entire development
 - Specific details of the secondary and tertiary treatment systems proposed.

Following a review of the Further Information response the Water & Environment Section and the EHO had no objections subject to conditions being attached.

3.4 Third Party Observations

One submission was received by the Planning Authority by the current appellant (George Murphy). The issues raised are the same as in the current appeal and are dealt with under the Appeal section of this report.

4.0 Planning History

4.1 There are a number of historical applications associated with the application site:

92/8005: Mark Deering granted permission in July 1992 for new forecourt canopy.

97/6401, Tom Coyne granted permission in September 1997 for Mini Market.

01/4836, Brendan Daly, granted permission in August 2001 for the installation of car wash facility at existing petrol station.

5.0 Policy Context

5.1 Wicklow County Development Plan (2010-2016)

The development was assessed as a domestic wastewater treatment system as the population equivalent for the development on site is less than 10.

Chapter 12 Water Infrastructure

Section 12.4 Wastewater

WW3 *Permission will be considered for private wastewater treatment plants for single rural houses where:*

- *The specific ground conditions have been shown to be suitable for all the construction of a treatment plant and any associated percolation area.*
- *The system will not give rise to unacceptable adverse impacts on ground waters/aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in Wicklow Ground Water Protection Scheme (2003);*
- *The proposed method of treatment and disposal complies with the Environmental Protection Agency "Waste Water Treatment Manuals";*

- *An annually renewed maintenance contract for the system is contracted with a reputable company/person, details of which shall be provided to the Local Authority.*
- *In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements as set out in EU and national legislation.*

WW6 *Where any application for a private treatment plant would require a discharge licence under the Water Pollutions Acts, a simultaneous application for same shall be required to be made when submitting the planning application.*

5.2 EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e ≤ 10) 2009

This code of Practice sets out the standards for the installation of wastewater treatment systems for single houses.

6.0 Natural Heritage Designations

The nearest European designated sites are:

- SPA Paulaphouca Reservoir c. 2km northeast and c.3km east of the site. There is no apparent direct linkage to this site.
- SAC Wicklow Mountains c. 7km south of the site. There are no direct pathways to this site.

7.0 The Appeal

7.1 Grounds of Appeal

A third party appeal was lodged by the neighbouring property owner (George Murphy). The grounds of appeal are summarised as follows:

- The property in question is commercial and serves a high number of vehicular traffic, especially at weekends. It is a popular stop for coffee and use of the facilities (motorcyclists, cyclists, tourists, etc).
- A domestic system is not sufficient for the number of users and a commercial system is necessary.
- There are problems of odour and seepage from the existing system.
- Oral Hearing requested.
- Photographs included with the appeal submission.

7.2 Planning Authority Response

No response on file from the Planning Authority.

7.3 Applicants Responses

No response on file from the applicant.

7.4 Observations

None

8.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Public Health
- Residential Amenities
- Appropriate Assessment

8.1 Public Health

8.1.1 The appellant has questioned the adequacy of a domestic effluent treatment system to serve the application site which consists of a petrol station, shop, carwash and first floor residential accommodation. The site and its facilities are a popular stop-off for day trippers and tourists.

8.1.2 It is acknowledged that there are constraints in terms of site usage, surface treatments and available locations for an effluent treatment system. The existing system on site is a standard precast septic tank and little percolation as a result regular desludging is required. The current system is not fit for purpose.

8.1.3 In the Further Information submission to the Planning Authority the applicant addressed concerns regarding the use of the Code of Practice for Single houses and installation of a domestic proprietary wastewater treatment system rather than a larger commercial system. The applicant outlined that the population equivalent (p.e) generated by the existing development on site is 6, so that a domestic scale proprietary wastewater treatment system was considered acceptable. There is no information on file suggest that this is not accurate.

- 8.1.4 Having inspected the site and reviewed the information on file I am satisfied that a domestic system is adequate to cater for the demand generated by the development on which consists of one toilet associated with the shop and 2 bedrooms associated with the residential element which gives a combined population equivalent of less than 10. The usage of the public toilet by large numbers is not continuous, therefore, a domestic wastewater treatment system and compliance with the standards as set out in the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e ≤ 10) 2009 is acceptable.
- 8.1.5 The upgrading of the existing system on site to a new domestic effluent treatment system and sand polishing filter notwithstanding the constraints presented by the site would result in a more efficient treatment of effluent in site and would address the public health concerns raised by the appellant.
- 8.1.6 The Planning Authority conditioned that the Sand Polishing Filter should be increased from 12.5sq.m to 15sq.m to allow for variation in wastewater loads due to seasonal usage of the public toilet which is compatible with the proposed sizing of the infiltration area. Having examined the information on file I consider this acceptable.
- 8.1.7 The appellant refers to a number of public health incidents arising from the current effluent disposal system on site. There is no supporting documentation on file in relation to this.
- 8.1.8 The carwash does not form part of the current application and outstanding issues of compliance with PPR01/4836 are not within the remit of this application. However, standards conditions regarding runoff from the site discharging to the effluent disposal system should be attached.
- 8.1.9 Having regard to the substandard system on site I am satisfied that the proposed new treatment system would be an improvement in terms of public health and therefore permission should be granted.

8.2 Residential Amenities

8.2.1 The original application submitted to the Planning Authority showed a separation distance of 2 metres from the site boundary and, therefore non-compliant with the EPA Code of Practice. Revised proposals submitted as part of the Further Information response included the installation of a sand polishing filter and compliance with the minimum separation from site boundaries as set out in Table 6.1 of the EPA Code of Practice.

8.2.2 I am of the opinion the proposed development would not be prejudicial to the public health of adjoining residents and detract from their residential amenities. Permission should therefore be granted with relevant conditions.

8.3 Appropriate Assessment

Having regard to nature and small scale of the development and the nearest distance to the European sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1 I recommend that planning permission should be granted for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the scale and nature of the development, it is considered that, subject to compliance with conditions set out below that the proposed development would not detract from the amenities of the area or of the properties in the vicinity. The proposed development, would, therefore, be in

accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The treatment plant and revised sand polishing filter of 15 square metres shall be located, constructed and maintained in accordance with details submitted to and agreed in writing with the planning authority prior to the commencement of development and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first installation of the system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the structures and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the installation of the new treatment plant and sand polishing filter, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

(f) Proposals shall be agreed in writing with the Planning Authority for the installation and maintenance of a grease removal unit to prevent grease

from entering the aerated zone of the BAF in accordance with the EPA Code of Practice 2009

Reason: In the interest of public health.

3. No waste water from the car wash shall be allowed to discharge to the effluent disposal system.

Reason: In the interest of public health

Dáire McDevitt
Planning Inspector

28th September 2016