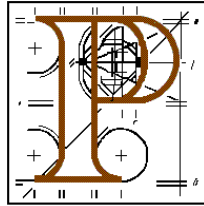

An Bord Pleanála



Inspector's Report

Ref.: PL04. 247025

Development: Construct a domestic sewage treatment unit and sand filter bed

Ballybraher, Ballycotton, Co. Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Ref.: 16/5218

Applicant: William Fahy

Type of Application: Permission

Planning Authority Decision: Refusal

APPEAL

Type of Appeal: First Party v. Decision

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 25th October, 2016

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located in the rural townland of Ballybraher, Co. Cork, approximately 500m south of the R629 Regional Road and 1.4km west of the village of Ballycotton, in an area generally characterised by a gently undulating rural landscape, although there is a significant prevalence of one-off housing in the wider site surrounds with notable instances of piecemeal and linear roadside development. The site itself has a stated site area of 0.025 hectares, is rectangular in shape, and is presently occupied by a two-storey, semi-detached dwelling house (with single storey annexes / returns to the side and rear of same), which would appear to be vacant and in need of some modernisation / renovation works, in addition to a dilapidated outbuilding to the rear of the property. It is bounded by a comparable semi-detached dwelling house to the immediate north whilst the lands to the south are occupied by a conventionally designed single storey bungalow with the public road to the east and agricultural fields to the west.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development involves the installation of a new packaged wastewater treatment unit and a 15m² sand / soil polishing filter / percolation area which is intended to discharge treated effluent from the existing dwelling house on site to ground.

3.0 RELEVANT PLANNING HISTORY

3.1 On Site:

None.

3.2 On Adjacent Sites:

PA Ref. No. 78/3419. Was granted permitting Patrick Fahy permission to construct a dwelling house.

4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

4.1 Decision:

On 13th July, 2016 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- The proposed development would be prejudicial to public health as the site is too restrictive in area to provide for an on site drainage system to

acceptable standards and would therefore be contrary to Objective RCI 6-2: Servicing Individual Houses in Rural Areas of the County Development Plan and to the EPA Code of Practice.

4.2 Objections / Observations:

None.

4.3 Internal Reports:

Area Engineer: Recommends a refusal of permission on the basis that there is inadequate separation distance between the proposed wastewater treatment system and the existing dwelling houses both on site and within a neighbouring property.

4.4 Prescribed Bodies / Other Consultees:

Irish Water: No objection subject to conditions.

5.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

- The proposed development site is very restricted as a result of the settlement of a boundary dispute with a neighbouring property owner and the submitted proposal is the only means by which an independent sewage disposal arrangement can be provided on site in order to serve the existing dwelling house given that the nearest main sewage outfall is located in excess of one mile away.
- The existing dwelling house is an old coastguard semi-detached cottage which was until recently connected to the permitted septic tank system within the confines of the neighbouring property, however, this servicing arrangement is no longer possible.
- The existing cottage dwelling house has been the applicant's home for all of his life and as he is now retiring he can no longer afford rented accommodation and must therefore move back into this house.

6.0 RESPONSE TO GROUNDS OF APPEAL

6.1 Response of the Planning Authority:

None.

7.0 DEVELOPMENT PLAN

Cork County Development Plan, 2014:-

Chapter 4: Rural, Coastal and Islands:

- *RCI 6-2: Servicing Individual Houses in Rural Areas:*
Ensure that proposals for development incorporating septic tanks or proprietary treatment systems comply with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (p.e. < 10) or any requirements as may be amended by future national legislation, guidance, or Codes of Practice.

Chapter 11: Water Services, Surface Water and Waste

8.0 ASSESSMENT

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Wastewater treatment and disposal
- Appropriate assessment

These are assessed as follows:

8.1 The Principle of the Proposed Development:

8.1.1 From a review of the available information, it would appear that the existing dwelling house on site was previously served by a shared septic tank system located within the confines of the adjacent property to immediate south, however, this servicing arrangement is seemingly no longer available to the applicant on the basis that the cessation of same formed part of the resolution of a boundary dispute with the neighbouring property owner. Accordingly, it is proposed to develop an entirely independent wastewater treatment system to serve the existing residence within the confines of the subject site in order to address the aforementioned servicing deficiency.

8.1.2 In my opinion, it is only appropriate in the assessment of the subject appeal to have regard to the existing and established use of the property in question as a private residence and, therefore, given the absence of any public sewerage

services in the area and the need to ensure an adequate means of effluent disposal to serve the existing dwelling house on site, the installation of a new wastewater treatment system to serve same is acceptable in principle. Indeed, by failing to allow for the satisfactory servicing of the existing dwelling house on site the property could be deemed to be uninhabitable and thus would likely fall into a state of dereliction which could not be construed as contributing to the proper planning and sustainable development of the area.

8.2 Wastewater Treatment and Disposal:

8.2.1 The proposed development involves the installation of a new wastewater treatment system to serve an existing dwelling house as a replacement for the seemingly discontinued shared servicing arrangement with the adjacent property to the immediate south. Accordingly, it is necessary to review the available information in order to ascertain if the proposal to install a treatment unit followed by a sand / soil polishing filter / percolation area is acceptable and if the subject site is suitable for the disposal of treated effluent to ground. In this respect I would refer the Board to the submitted Site Characterisation Form which details that the trial hole excavated on site encountered 200mm of silty topsoil followed by 1.9m of silt / clayey soil with small cobbles to the depth of the excavation at 2.1m below ground level. No rock or water table were recorded in the trial hole. With regard to the percolation qualities of the subsoil a 'T'-value of 30.69 minutes / 25mm was recorded whilst no 'P'-test was conducted.

8.2.2 Having reviewed the available information, I would suggest at the outset that the submitted proposal is lacking in detail as regards the precise specifications of the proposed packaged wastewater treatment system whilst the conflicting references to a '*percolation area*' on the site layout drawing and the installation of an '*intermittent sand / soil filter*' as detailed on Drg. No. DL-PP-01 also give rise to confusion. Similarly, it is unclear as to how the applicant has calculated the sizing of the proposed percolation area / polishing filter. However, notwithstanding the foregoing, it is clear that the proposed development will not comply in full with the requirements of the Environmental Protection Agency's '*Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤10), 2009*' in that it will not satisfy the minimum separation distances set out in Table 6.1 of that document (as has been acknowledged in the application documentation). In this respect I would advise the Board that inadequate separation has been provided between the proposed treatment unit and the existing dwelling house on site whilst there is also insufficient separation distance between the proposed percolation area / polishing filter, the existing dwelling house, the site boundary, and (more particularly) the neighbouring

dwelling house on the adjacent property to the immediate south. Furthermore, the restricted size of the proposed development site is not conducive to addressing these deficiencies by way of condition and the likelihood is that it is not possible to develop an independent on-site wastewater treatment system within the confines of the current application site which would comply in full with the EPA Code of Practice.

8.2.3 Whilst I would acknowledge that cognisance must be taken of the established residential use of the application site and the fact that the existing dwelling house was previously serviced by means of a shared septic tank system, I am inclined to suggest that the submitted proposal will not provide for the satisfactory treatment and disposal of effluent on site and that it would normally be appropriate to refuse permission in such instances. In this respect it is of particular relevance to note that not only will the subject proposal result in the installation of a wastewater treatment system at an inadequate separation distance from the existing dwelling house on site, but that the failure to achieve the necessary separation from the adjacent dwelling house to the immediate south could potentially have a detrimental impact on the amenity of that third party property. Accordingly, given the restricted site size, it may be necessary for the applicant to investigate the acquisition of additional lands to permit an enlargement of the site area in order to achieve the required minimum separation distances, or alternatively, to review his position as regards any established rights to continue use of the existing septic tank system within the adjacent property.

8.2.4 At this point of my assessment I would draw the Board's attention to Sections 4.6.5 - 4.6.6: '*Servicing Individual Houses in Rural Areas*' of the County Development Plan which clearly states that '*All rural houses in unserviced areas rely on individual on site waste water treatment facilities and water supplies*' and that it is essential in terms of public health and protecting groundwater and overall environmental quality '*that the original site selection process verifies that the site is suitable for such development in the first instance and that the waste water treatment systems are correctly designed, installed and maintained over its lifetime*'. Effect is subsequently given to the foregoing provisions in Objective RCI 6-2: '*Servicing Individual Houses in Rural Areas*' which aims to '*Ensure that proposals for development incorporating septic tanks or proprietary treatment systems comply with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (p.e. < 10) or any requirements as may be amended by future national legislation, guidance, or Codes of Practice*'. Indeed, it is accepted planning policy and general good practice for individual

dwelling houses in unsewered rural locations to be serviced by an independent wastewater treatment system installed in accordance with the requirements of the EPA's *'Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses'* and thus I would submit that the previous servicing arrangement utilised on site whereby the existing dwelling house availed of a 'shared' system would be undesirable (although it would appear that said arrangement was most likely previously permitted under PA Ref. No. 78/3419 on the basis that it would allow for the subdivision of those lands originally associated with the existing dwelling house on the subject site in order to accommodate the construction of an additional dwelling house).

8.2.5 On balance, whilst I would accept that the proposed development will permit the continued use of the existing property as a habitable dwelling house and that the provision of an independent on-site wastewater treatment system (which will not result in any increase in the actual volume of treated effluent being disposed of to ground) would generally be preferable to the previous shared servicing arrangement, the submitted proposal gives rise to potentially undesirable consequences in terms of residential amenity and public health in respect of both the subject dwelling house and the neighbouring property by reason of its failure to comply in full with the separation distances set out in the EPA's *'Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses'*. In this respect I am inclined to concur with the Planning Authority that the subject proposal is unacceptable.

8.3 Appropriate Assessment:

8.3.1 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 RECOMMENDATION

Having regard to the foregoing I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

Reasons and Considerations:

1. Due to the size and configuration of the site, the proposed development cannot comply with the minimum separation distances set out in the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" - Environmental Protection Agency, 2009. The proposed development would, therefore, be contrary to Policy Objective RCI 6-2 of the Cork County Development Plan, 2014 and would result in a substandard form of development which would be prejudicial to public health and contrary to the proper planning and sustainable development of the area

Signed: _____

Robert Speer
Inspectorate

Date: _____