



An
Bord
Pleanála

Inspector's Report PL27.249351

Development	Retention of septic tank and permission for percolation area and all associated site works.
Location	Croneyhorn Lower, Carnew, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	16/1443
Applicant(s)	James Cousins
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s).	Paudge Kilbride
Date of Site Inspection	18 th December 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.078 hectares, is located approximately 2km to the west of Carnew, Co. Wicklow. The appeal site is occupied by an existing single-storey semi-detached dwelling. The dwelling is in dilapidated condition and does not appear to be occupied. To the north west of the site is the other single-storey dwelling that makes up the pair of semi-detached dwellings the site is part of. To the north is a small field and beyond this is dwelling. To the south west and on the opposite side of the public road is the appellant's dwelling.

2.0 Proposed Development

2.1. Permission is sought for the retention of an existing septic tank and also permission for the installation of a new percolation area. The existing septic tank and proposed percolation area serve an existing single-storey dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to two conditions. Of note is the following condition...

Condition no. 2: Within 4 months of the final grant the effluent disposal system shall be laid out as proposed and constructed to the specification of the EPA Code of Practice.

3.1 Local Authority and external reports

- 3.1.1. EHO (27/01/17): Further information required including a site plan showing wastewater treatment systems on adjoining sites and confirmation that the adjoining dwelling is not connected to the septic tank on site.
- 3.1.2. Planning Report (20/02/17): Further information required including a revised site layout showing wastewater treatment systems and wells on adjoining sites, confirmation that the adjoining dwelling is not connected to the septic tank on site and confirmation that the polishing filter meets the separation distances to wells on adjoining sites set down under the EPA Code of Practice.
- 3.1.3. EHO (25/08/17): No objection.
- 3.1.4. Planning Report (07/09/17): The proposal was considered to be acceptable having regard to the fact it serves an existing dwelling was deemed to be satisfactory in the context of public health. A grant of permission was recommended based on the conditions outlined above.

4.0 Planning History

- 4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The relevant development plan is the Wicklow County Development Plan 2016-2012. The appeal site is located in a rural area.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Paudge Kilbride, Croneyhorn, Carnew, Co. Wicklow. The grounds of appeal are as follows...

- The appellant notes that there an existing well serving his dwelling despite the applicant indicating that all dwellings in the vicinity are on the public mains. The appellant notes that the well is shallow and raises concern regarding potential contamination of such due to the proximity of the proposed percolation area up gradient of the well.
- The appellant notes that the well is closer (less than 30m) to the percolation than indicated by the applicant. It is noted that the minimum separation distance should be 45m and not 30m (Table 3a of the EPA Code of Practice) as suggested by the applicant.
- The appellant notes that P test were not carried out and that such tests are necessary to accurately design the proposed percolation area and this would be contrary the EPA Code of Practice.

6.2 Responses

6.2.1 Response from the Kilpark Planning & Design on behalf of the applicant James Cousins.

- The applicant has submitted a revised layout map showing the location of a septic tank serving the adjoining dwelling to the north. The provider of the wastewater treatment recommends that the polishing filter be at least 30m from the well on the appellant's site and it is noted that the separation distance between the two is 32m.

6.3 Submissions to Local Authority:

6.3.1 A submission was received from Paudge Kilbride, Croneyhorn, Carnew, Co. Wicklow and can be summarised as follows...

- The septic and percolation are is in too close proximity to the well on Paudge Kilbride's property with concern about the health and environmental implications of such.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Wastewater treatment/public health

Appropriate Assessment

7.2 **Principle of the proposed development/development plan policy:**

7.2.1 The proposal is for retention of an existing septic tank and installation of a percolation area connected to the existing septic tank. Both are to serve an existing dwelling at this location. Having regard to fact that the proposal is to serve an existing dwelling, some method of effluent treatment is both essential and reasonable. I would note that the improvement or update of effluent treatment facilities consistent with the current best practice standards (EPA Code of Practice) to serve an existing dwelling would be beneficial in terms of public health and should be encouraged. I would consider that the principle of the proposed development is acceptable.

7.3 Wastewater treatment/public health:

- 7.3.1 The proposal is for retention of an existing septic tank and installation of a new percolation area connected to serve an existing dwelling. The proposal was subject to a site suitability assessment. The site has a Groundwater Protection Responses of R1 with a vulnerability rating of 'high' and is above a locally important aquifer. The trial hole test provides for a 2.1m deep trial hole with the water table encountered at a depth of 2.1m. T tests (test for deep subsoils and/or water table) were carried out with a value of 23.92 (standard method). The proposal entails use of the existing two chamber septic and connection a 12sqm percolation area for tertiary treatment. The test results indicate that soil conditions on site are suitable for the operation of a wastewater treatment system and would be in accordance with the EPA Code of Practice (Wastewater Treatment for Single Houses ($pe \leq 10pe$)).
- 7.3.2 The appellant has raised concerns regarding potential contamination of an existing well serving his dwelling located to the south west of the site. The applicant submitted a site layout showing the location of the well 32.3m from the edge of the percolation area. The appellant claims that the distance between the well and percolation area is less than 30m and that separation distances are inadequate in the context of the EPA Code of Practice. Under Table B3 of the EPA Code of Practice it is noted that for sites with a Groundwater Protection Response of R1 with a T value between 10-30 up gradient of a well and with a subsoil level less than 8m, the minimum recommended separation distance between a receptor and a percolation area or polishing filter is 45m. It would appear that there is approximately 30m separation distance between the percolation area and the well. I would consider that the fact there is an existing dwelling on site is a crucial consideration. I would first note that there is not much scope for the location of the percolation area any further away from the appellant property given the size of the curtilage of the existing dwelling. As noted in the earlier section of this report the fact there is an existing dwelling on site means that it is essential and reasonable for it to be served by a wastewater treatment system of some type. The existing dwelling on site is of a considerable age and it is reasonable to assume the current proposal represents an improvement/upgrade of previous wastewater treatment facilities on site. The soil conditions on site indicate that conditions on site are suitable for the operation of a

wastewater treatment system and the proposal includes tertiary treatment including a new polishing filter/percolation are up to current standards. Such is clearly beneficial in terms of public health over the lack of improvement of the wastewater treatment facilities serving a long established dwelling. I would, therefore, consider that the proposal would be acceptable in the context of public health including that of adjoining properties and nearby water sources. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

8.0 Recommendation

8.1 I recommend a grant of permission subject to the following conditions.

9.0 Reason and Considerations

9.1

Having regard to the fact that the proposed development is to serve a long established dwelling with adequate wastewater treatment facilities being a necessity, the details of site suitability assessment and the site specific design proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in the context of public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans received on the 17th day of August 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.

a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 22nd day of December 2016 and the 17th day of August 2017, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency Code of Practice. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

b) Within three months of the first occupation of the dwelling, 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 in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

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Colin McBride
Planning Inspector

08th January 2018