



An  
Bord  
Pleanála

## Inspector's Report ABP-301047-18

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<b>Development</b>	The construction of a storey and a half dwelling house, wastewater treatment system, percolation area, new entrance and all associated site development works
<b>Location</b>	Drumquill, Castleblayney, Co. Monaghan
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	17/395
<b>Applicant(s)</b>	Eamonn Brennan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Martin Molloy
<b>Observer(s)</b>	Patrick Carragher
<b>Date of Site Inspection</b>	12 <sup>th</sup> June 2018
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.69 ha, is located in the townland of Drumquill, c. 4km north west of Castleblayney and 2km south east of Annayalla, in County Monaghan.
- 1.2. The appeal site is located on the north eastern side of Local primary road L3441 (which the Planning Officer's report states is the former N2), and is accessed via an existing laneway which bounds the site to the west and north. The L3441 road is of good quality, with an 80km/hr speed limit in the vicinity of the appeal site, and was relatively heavily trafficked on the date of my site inspection. The N2 National Road is located c. 700m to the west.
- 1.3. The appeal site comprises two relatively small agricultural fields bounded by mature hedgerows and trees and it exhibits a considerable slope, with a fall of c. 9m across the site from north to south. The laneway also serves a number of other houses and agricultural premises.
- 1.4. A small stream, which appears to be known as the Cloghan Stream, flows along the southern boundary of the site and connects to Laragh Lough, c. 450m south of the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development is described in the statutory notices as the construction of a storey and a half dwelling house, wastewater treatment system, percolation area, new entrance and all associated site works.
- 2.2. The proposed house has a stated floor area of 260 sq m or 280.1 sq m (there would appear to be an error in the application drawings in this regard), spread over two floors. It is a four bedroom dwelling with a ridge height of 8.21m and with projecting two storey gable fronted elements to front and rear. It has a relatively deep-plan, with a depth of 12.4m. The proposed finishes comprise stone to the front elevation, render to side and rear elevations and blue/black tiles/slates to the roof.
- 2.3. The proposed house would be located towards the southern (i.e. lower) side of the appeal site, centred on the hedgerow which separates the two fields. It is proposed to remove a portion of the hedgerow to accommodate the development. The

proposed wastewater treatment system would be located to the east of the house, while the polishing filter would be located to the north east of the house in an elevated position.

- 2.4. The house would be accessed from an entry point at the junction of the L3441 and the laneway where there is an existing agricultural gate, with the front elevation of the house aligned with the entrance point.
- 2.5. A well was originally proposed to the north west of the proposed house, but in response to a request for further information, this was replaced with a proposal to connect to the public water supply. An existing percolation area associated with a house located on the northern side of the laneway was also indicated within the appeal site in the response to the request for further information. A note on the proposed site layout drawing pointing to said house on the northern side of the laneway (i.e. outside of the appeal site) states 'existing septic tank to be upgraded with new wastewater treatment system'.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Monaghan County Council decided to grant permission, and the following summarised conditions are noted:

- C2: Landscaping and hedgerow protection/planting condition.
- C3: Facilitating cut and/or fill shall be graded to a natural contour to reflect the existing topography of the area and the floor level of the house shall be a maximum of 250mm above ground level at the front building line.
- C4: Requirements for wastewater treatment system and soil polishing filter.
- C5(a): 100m visibility splays to be provided from a point 3m from the road edge.

### **3.2. Planning Authority Reports**

- 3.2.1. The Planning Officer's report can be summarised as follows:

- No previous planning history on the site.
- No evidence of fill material or original field levels being altered/raised.
- Proposed dwelling is beyond 100m from the farm building belonging to Patrick Carragher.
- Appeal site is in a stronger rural area, where applications for single dwellings will be accommodated subject to normal planning considerations.
- Boundaries to the site are mature and it is considered that the proposed dwelling will integrate satisfactorily.
- Hedgerow to be retained will ensure satisfactory screening/visual integration.
- Dwelling design is appropriate for the site and layout as proposed.
- Dwelling at this location will not unduly affect the rural character of the area.
- There are no agricultural buildings within 100m of the proposed dwelling.
- Site does not constitute ribbon development.
- Applicant has illustrated sight distances of 100 in both directions without any encroachment onto third party lands/hedgerows.
- Stage 2 AA is not required.
- EHO is satisfied with response to request for further information.

### 3.3. **Other Technical Reports**

- Environmental Health Officer: No objection, subject to conditions.
- Municipal District Engineer: No objection, subject to conditions.
- Environmental: No objection, subject to conditions.

### 3.4. **Prescribed Bodies**

- None.

### 3.5. Third Party Observations

3.5.1. Two third party observations were made by Martin Molloy and Patrick Carragher.

The issues raised can be summarised as follows:

- Eastern portion of the proposed site was raised several metres above the level of the observer's field using fill from unauthorised works carried out on adjacent site. Water is diverted into his field and the boundary ditch destroyed.
- Concern that proposed dwelling would be within 100m of observer's agricultural shed.

### 4.0 Planning History

4.1. The following planning history relates to both the appeal site itself, and the lands on the northern side of the laneway which are indicated as being in the same ownership.

4.1.1. **ABP-301554-18 (Reg. Ref. 17/357):** Current third party appeal lodged by Patrick Carragher in connection with application by John Brennan to retain and complete existing partially constructed detached storey and a half domestic garage. The Planning Authority decided to refuse permission for one reason, as set out below, and the appellant is seeking that it also be refused by the Board with additional refusal reasons:

- In accordance with Section 35 of the Planning and Development Act 2000 as amended, planning permission cannot be granted at this time in respect of the proposed development as the site works (including site clearance and connection to a septic tank) associated with the structure/garage to which this application relates, along with an associated pillar structure, are unauthorised development.

4.1.2. **ABP-301312-18:** Current section 5 referral, submitted by Eamonn Brennan, asking whether (1) Installation of septic tank and percolation area (2) Construction of a house and connection to septic tank (3) Erection of pillar box on right of way is or is not development or is or is not exempted development.

- 4.1.3. **PL18.RL3532:** Section 5 referral, submitted by Martin Molloy, asking whether the installation of a septic tank and percolation area is or is not development or is or is not exempted development. The Board determined that it is development and is not exempted development.
- 4.1.4. **PL18.RL3594:** Section 5 referral, submitted by Patrick Carragher, asking whether the construction of a structure within the curtilage of an existing house and all associated site development works to include site clearance and connection to septic tank is or is not exempted development. The Board determined that it is development and is not exempted development.
- 4.1.5. **PL18.RL3811:** Section 5 referral, submitted by Martin Molloy, asking whether the construction of a pillar structure to house an electricity meter on the edge of a laneway is or is not exempted development. The Board determined that it is development and is not exempted development.
- 4.1.6. **Reg. Ref. 16/403:** Planning application to change use of existing house to domestic storage, construction of new house, upgrade of existing septic tank with new wastewater treatment system and other works. Application deemed invalid.
- 4.1.7. **Reg. Ref. 16/235:** Planning application for a storey and a half dwelling house, upgrading of existing septic tank system with new wastewater treatment system and percolation area and other works. Application withdrawn by applicant.
- 4.1.8. **Reg. Ref. 16/41:** Planning application for extension to existing house and retention of waste water treatment system and percolation area. Application deemed withdrawn following failure to respond to request for further information. This included a request to provide additional information in respect of the wastewater treatment system.
- 4.1.9. **Reg. Ref. 14/217:** Retention permission refused for a partially constructed storey and a half extension to the side of existing two storey dwelling house and completion of same and ancillary site development works.
- 4.1.10. **Ref. 10/581:** Monaghan County Council issued a Declaration in July 2010 stating that the use of a structure as a dwelling house was not considered to be exempt development. The basis of the declaration was that the residential use of the structure had been abandoned and that the structure was derelict prior to the commencement of refurbishment/restoration works.

- 4.1.11. **Ref. E14/36:** Enforcement file, including a number of enforcement notices requiring the demolition of an unauthorised structure.
- 4.1.12. **Unnumbered Section 5 Referral, dated 4th July 2016:** Referral under section 5 of the Planning and Development Act 2000, as amended regarding works to reinstate the residential use of a derelict structure of which the residential use had been abandoned. The Planning Authority does not appear to have issued a Declaration.
- 4.1.13. **Ref. E16/27:** Referral under section 5 of the Planning and Development Act 2000, as amended regarding works to reinstate the residential use of a derelict structure of which the residential use had been abandoned. The Planning Authority requested the referrer to submit evidence that the dwelling had become abandoned and derelict, and there is no further documentation indicating whether such evidence was submitted.

## 5.0 Policy Context

### 5.1. Sustainable Rural Housing Guidelines for Planning Authorities 2005

- 5.1.1. The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

### 5.2. Monaghan County Development Plan 2013-2019

- 5.2.1. The appeal site is located on unzoned lands, in an area which is designated in the Core Strategy Map as being a 'Stronger Rural Area'. The key objectives in these areas are "to maintain population levels by accommodating appropriate rural development and to consolidate the existing town and village structure. Applicants will not be required to submit a Rural Housing Application Form (RH1 Form) or provide justification in these areas."
- 5.2.2. This is supported by the following Policies:

- RHP 10: All projects associated with rural housing in Stronger Rural Areas shall be considered under policies AAP1-AAP5 contained within Chapter 4 Environment and Heritage of the Monaghan County Development Plan 2013-2019.
- RHP 11: Applications for single dwellings in these areas will be accommodated subject to normal planning considerations.

5.2.3. Policies AAP1 to AAP5 referred to in Policy RHP10 relate to matters of appropriate assessment.

5.2.4. Section 15.4 sets out the development management guidelines for rural housing, and includes various Policies relating to siting, design and rural character. Section 15.5 relates to ribbon development and infill, while section 15.6 relates to landscaping. Section 15.7 relates to rural accesses and Section 15.23 relates to road access standards and sets out detailed requirements for each road type.

### 5.3. **Natural Heritage Designations**

5.3.1. There are no Natura 2000 sites within 15km of the appeal site. The closest site with a natural heritage designation is Lough Smiley pNHA, which is located c. 1.7km to the south east of the appeal site.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A third party appeal was lodged by Martin Molloy. The issues raised in the appeal can be summarised as follows:

- Chronological summary of the property and planning and enforcement history set out in appeal.
- Both Eamonn Brennan and John Brennan claim that they own the whole property in their respective current planning applications. Planning Authority should have used its powers under section 33 to find out who owned the land.
- If John Brennan is the owner then it would appear that this application is attempting to side step his duty to rectify the unauthorised developments.



- If Eamonn Brennan is the owner, then he is now responsible for the unauthorised developments which must be rectified.
- If the brothers have divided the property then the applications are inaccurate and two sites are intertwined by a percolation area.
- If ownership is to change hands, then this would make the two brothers a partnership, and they would be regarded as a 'person' according to section 35.
- Considering the prolonged nature of the case and lack of compliance, the Planning Authority could have refused permission under section 35(1)(c).
- While the Board is not concerned directly with enforcement, it is concerned with proper planning. Granting permission would undermine proper planning and would establish a precedent for circumventing the enforcement procedures.
- Proposed use of mains supply shared with unauthorised building would make this a multi-unit development.
- A mains water supply going through a percolation area that is unauthorised is surely not acceptable practice.
- The applicant will have wastewater percolating both sides of his house and mains water pipes in the middle of one.
- The septic tank was installed without permission, however condition 7 allows it to be installed even though it was not part of the permission.
- Planner's report stated that there was no planning history, yet application 16/403 was mentioned in the further information request. Multiple related applications and section 5 referrals.
- Boundary hedging has been destroyed and infill placed along boundary with appellant.
- No study was carried out with regard to the percolation area serving the unauthorised development which is above the proposed house. The new treatment system could end up serving the two sites, and they could both share water, electricity and entrance onto the public road.

6.1.1. The appellant included a number of photographs and supporting documentation with his appeal.

## 6.2. **Applicant Response**

6.2.1. None.

## 6.3. **Planning Authority Response**

6.3.1. None.

## 6.4. **Observations**

6.4.1. An observation was received from Patrick Carragher. The issues raised can be summarised as follows:

- Applicant was granted permission for a development according to the plans submitted, i.e. not only the development in bold print but also a septic tank not in the site boundary and a percolation area within the site that is attached to a separate development.
- Notification of the third party appeal was delayed, and Observer believes that further information was submitted in respect of John Brennan's application in the belief that he had secured planning for his septic tank as part of his brother's application.
- Septic tank is currently being referred to the Board under section 5.
- Planning Authority ignored the issues with regard to ownership, connection between the adjoining sites, litany of unauthorised works that have been ongoing for 8 years.

## 6.5. **Further Responses**

6.5.1. None.

## 7.0 Assessment

### 7.1. Preliminary Matters

7.1.1. At the outset, the Board will note that there is a lengthy and complex planning and enforcement history relating to the appeal site and adjoining lands on the northern side of the laneway, which are also stated as being in the ownership of the applicant.

7.1.2. In addition to the planning applications and section 5 referrals that have been determined by the Planning Authority and/or the Board, there are two other concurrent cases before the Board in respect of the subject lands. These are as follows:

- **ABP-301554-18 (Reg. Ref. 17/357):** Third party appeal in connection with application by John Brennan to retain and complete existing partially constructed detached storey and a half domestic garage. Permission was refused by the Planning Authority and the appellant is seeking that the Board refuse permission for additional reasons.
- **ABP-301312-18:** Section 5 referral, submitted by Eamonn Brennan, asking whether (1) Installation of septic tank and percolation area (2) Construction of a house and connection to septic tank (3) Erection of pillar box on right of way is or is not development or is or is not exempted development.

### 7.2. Key Issues

7.2.1. I consider that the key issues in determining the appeal are as follows:

- Compliance with Rural Housing Policy
- Design and Layout
- Wastewater Treatment.
- Access.
- Site Ownership.
- Appropriate Assessment.

### **7.3. Compliance with Rural Housing Policy**

- 7.3.1. As noted above, the appeal site is located in a 'Stronger Rural Area' and the Development Plan states that the key objectives in these areas are "to maintain population levels by accommodating appropriate rural development and to consolidate the existing town and village structure". It states that applicants will not be required to submit a Rural Housing Application Form or provide justification in these areas, while Policy RHP 11 states that applications for single dwellings in these areas will be accommodated subject to normal planning considerations.
- 7.3.2. The surrounding area is relatively sparsely populated, and as a result of this and the significant set back of the proposed house from the public road, I am satisfied that the issue of ribbon development does not arise in this instance.
- 7.3.3. Having regard to the rural housing provisions for 'Stronger Rural Areas' as set out in the Sustainable Rural Housing Guidelines for Planning Authorities and the Development Plan, and noting that the proposed development would not result in the creation or continuation of ribbon development, I consider the proposed development to be acceptable in principle, subject to consideration of the planning issues set out in Section 7.2 above.

### **7.4. Design and Layout**

- 7.4.1. With regard to the positioning of the proposed house within the appeal site, I note Policy RDP 16 of the Development Plan which states, inter alia, that a residential unit shall not be permitted within 100m of an agricultural building except where the owner/occupier of the agricultural building has provided written consent. By positioning the proposed house at the southern end of the appeal site it appears that it will be separated from the agricultural buildings to the north west by slightly more than 100m, and that it would therefore be compliant with Policy RDP 16.
- 7.4.2. While Monaghan County Council has not yet prepared a Rural House Design Guide, Section 15.4 of the Development Plan sets out design guidance and policies for rural housing siting and design. While the proposed house is relatively bulky in form, due to its two storey height and deep plan, I consider its design to be generally consistent with these principles and policies. The detailing of the house is traditional, with the

front elevation of the house indicated as having a natural stone finish and a general vertical emphasis to the windows.

- 7.4.3. I note that Policy RDP 5 states that “the site should use clearly identifiable and established boundaries, such as trees, buildings, slopes or other natural features, which separate the site from the surrounding countryside, and offer a suitable degree of enclosure.” I also note Policy RDP 6, which states that “development should follow the contours of the site and should sit naturally into it. The building should integrate into rather than be imposed on the landscape, extensive excavation and/or removal of natural vegetation should therefore be avoided”.
- 7.4.4. The appeal site comprises two agricultural fields bounded by mature hedgerows and trees, and it is proposed to remove c. 30m of the hedgerow which separates the two fields in order to construct the proposed house, which would be centred on the line of the hedgerow. Due to the sloping topography of the appeal site, the provision of a level base around the house would entail relatively substantial cut and fill works, while the proposed construction of a level raised polishing filter to the north of the house would result in its surface level being elevated c. 4m above the adjoining land to the south, and c. 6.7m above the ground floor level of the house, with extensive embankments on the southern side which do not appear to be accurately represented on the Site Layout Plan. It appears that there would also be removal of hedgerow in the vicinity of the proposed access point to the site.
- 7.4.5. While there are no protected viewpoints, scenic routes or protected structures in the immediate vicinity of the appeal site, the proposed development would entail substantial earthworks, a significant change to the topography of the site and the removal of natural boundary vegetation. While the portions of hedgerow to be retained and the additional proposed landscaping would assist in screening the proposed development to some extent, I consider that the proposed development would form a discordant and obtrusive feature on the landscape and would seriously injure the visual amenities of the area, due to its failure to follow the contours of the site and sit naturally within it. I therefore consider that the proposed development would be contrary to Policy RDP 6 of the Development Plan.

## 7.5. Wastewater Treatment

- 7.5.1. A wastewater treatment system and soil polishing filter are proposed and a Site Characterisation Report was submitted with the application. The report indicates that the soil in the area consists of acid brown earths and interdrumlin peat and peaty gleys, with bedrock consisting of Silurian metasediments and volcanics. The aquifer category is 'Poor' and vulnerability is 'Extreme'. The groundwater protection response is 'R2.1', "acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 are met and that the likelihood of microbial pollution is minimised".
- 7.5.2. I note that the probable direction of groundwater flow is indicated as being in a south westerly direction. Having regard to the site topography, I consider that a southerly direction is more likely.
- 7.5.3. The trial hole encountered silt/clay to a depth of 0.3m, overlaying clay to the full 2.3m depth of the trial hole. While the soil had a crumb structure, the subsoil had a blocky structure and was highly compact. Groundwater is stated as being encountered at a depth of 1.6m, with mottling indicating a winter groundwater level at 0.8m BGL. Bedrock was not encountered. With regard to percolation characteristics, a T value of 82.63 minutes/25mm and a P value of 77.62 minutes/25mm were recorded. These test results indicate that both the topsoil and subsoil have very poor percolation characteristics, and my interpretation of Table 6.3 of the 'EPA Code of Practice on Wastewater Treatment and Disposal Systems Serving Single Houses' is that where both the T and P values are greater than 75, the site has failed the percolation tests and it is unsuitable for the discharge of effluent to ground.
- 7.5.4. The applicant is proposing to construct a raised soil polishing filter, with seven 16.24m long trenches and incorporating 'unsaturated suitable soil', which may be a reference to imported soil. I would note, however, that this would be constructed above the existing poorly permeable soil and subsoil and the resultant effluent percolating through the raised polishing filter will still meet the relatively impermeable soil at the existing ground level. Given the sloping nature of the site, and the location of the house downslope from the raised polishing filter, I am not satisfied that the proposed wastewater treatment system would not result in ponding of effluent or a

hydraulic issue which could be prejudicial to human health or result in contamination of surface water or groundwater. I would also note that the proposal would require the pumping of effluent from the treatment system to a height of c. 8m in order to reach the elevated soil polishing filter. I do not consider this to be a suitably sustainable method of handling effluent arising from the proposed dwelling and it is indicative, in my opinion, of the unsuitability of the proposal for the site.

- 7.5.5. With regard to the percolation area which is indicated as being located within the appeal site but which is associated with the house and septic tank on the northern side of the laneway, I note that there is no evidence of planning permission ever having been granted for such development at this location, and that the Board has determined that said septic tank and percolation area do not comprise exempted development (Ref. PL18.RL3532). This existing percolation area is not mentioned or addressed in the Site Characterisation Report, despite its location within the application site and I note that a water supply well was initially proposed immediately to the west of it. This proposal for a well was replaced with a proposal to connect to the public mains water supply on foot of a request for further information. The appellant contends that the proposed development would share a water supply connection with the house to the north, however the location and nature of the connection is not indicated on the drawings.
- 7.5.6. On the date of my site inspection, the ground was firm and dry at the appeal site after a prolonged period of warm, dry weather. I did, however, note the presence of rushes throughout the appeal site, which is indicative of the poor drainage characteristics of the land. There was no obvious evidence of an existing percolation area at the location indicated on the Site Layout Plan, such as vents or a distribution box etc., although I noted a depression in the ground in the vicinity of the indicated pipe route, which was covered with metal sheeting and timber.
- 7.5.7. As noted above, the appeal site has very poor percolation characteristics and Table 6.3 of the EPA Code of Practice states that for T test results greater than 75 minutes/25mm, wastewater from a septic tank system is likely to cause ponding at the surface of the percolation area, and that such soil is not suitable for a septic tank system. Given the uncertainty with regard to the nature, design and indeed location of the existing percolation area, and noting that as per the EPA CoP the site is not suitable for a standard percolation area due to its poor permeability and also noting

the 'extreme' vulnerability rating of the groundwater, I consider it inappropriate to grant permission for the proposed development in the interests of human health, given its location downslope from an existing percolation area where there may be a significant risk of ponding effluent or contamination of groundwater or surface water.

7.5.8. Finally, with regard to the note on the Site Layout Plan which states 'existing septic tank to be upgraded with new waste water treatment system', the appellant contends that granting permission would give *de facto* consent for these works. I note that the existing septic tank indicated on the drawings is outside of the red line application site boundary, and that its upgrade does not form of the development description set out in the statutory notices and planning application form. I therefore consider that the upgrade or replacement of that septic tank does not form part of the proposed development. Nevertheless, should the Board be minded to grant permission, I recommend that it be clarified by way of condition that permission is not granted for the upgrade or replacement of the existing septic tank.

## 7.6. Access

7.6.1. It is proposed to provide an access point to the proposed house at the location of an existing agricultural gate, close to the junction of the laneway and the public road. While the Site Layout Plan indicates that 100m sightlines are achievable, having conducted a site inspection I would not concur. Sightlines to the south east are adequate, however an existing tree and roadside vegetation restricts sightlines to the north west. In my opinion it would be necessary to trim or remove this vegetation in order to provide adequate visibility to the north west. I note in this regard that, while the road is a local road, it is the former N2 and is a good quality road which facilitates high speeds and which appears to be relatively heavily trafficked for a local road. The vegetation in question is indicated as being within the applicant's blue line land ownership boundary, and therefore it should be possible to provide adequate sightlines, should the Board be minded to grant permission. I would, however, note the conflicting information regarding land ownership in this appeal, and the concurrent appeal before the Board (ref. ABP-301554-18).



## **7.7. Site Ownership**

- 7.7.1. The appellant has queried the ownership of the appeal site and the adjoining lands to the north, and draws the Board's attention to the fact that the applicant, Eamonn Brennan, has stated in the planning application form that he is the owner of these lands, while in the concurrent appeal before the Board (Ref. ABP-301554-18), John Brennan has stated that he is the owner of the same lands. I note that it also appears from the planning history that John Brennan has generally been indicated as the owner of the lands in the past.
- 7.7.2. As I am recommending that permission be refused on other substantive grounds, I do not consider it necessary to seek further information or clarification in relation to the issue of land ownership. However, noting that there is a second current appeal in relation to the same landholding before it (Ref. ABP-301554-18), as well as a section 5 referral (Ref. ABP-301312-18), the Board may wish to seek further information to relation to the issue of land ownership, and more particularly, whether the applicant has sufficient legal interest in the land.

## **7.8. Appropriate Assessment**

- 7.8.1. There are no Natura 2000 sites within 15km of the appeal site. Notwithstanding the issues raised above in relation to the wastewater treatment issues, and having regard to the scale of the proposed development, the characteristics of the appeal site and the separation distance from any European sites, I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be refused for the reasons set out below.

## 9.0 Reasons and Considerations

1. Having regard to the topography of the site, the proposal to remove hedgerows, and the extensive earthworks associated with the proposed dwelling and associated raised soil polishing filter, it is considered that the proposed development, notwithstanding the proposed landscaping proposals, would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to follow the contours of the site and sit naturally within it, and that it would therefore be contrary to Policy RDP 6 of the Monaghan County Development Plan 2013-2019.
2. Having regard to the topography of the site, the poor percolation characteristics of the soil, the relatively high winter water table and 'extreme' groundwater vulnerability rating, it is considered that the applicant has not adequately demonstrated that the proposed wastewater treatment system and soil polishing filter is capable of treating and discharging effluent without risk to public health, to the quality of groundwater and/or surface water, or to the environment. Furthermore, given that testing has indicated that the site is unsuitable for a standard septic tank and percolation area, it is considered that the applicant has not demonstrated that the existing percolation area within the appeal site would not be prejudicial to the health of future occupants of the proposed dwelling. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Niall Haverty  
Planning Inspector

29<sup>th</sup> June 2018