



An  
Bord  
Pleanála

## Inspector's Report ABP-302080-18

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<b>Development</b>	Retention for an on-site sewage treatment plant and polishing filter (previous Planning Ref. No. 15/457)
<b>Location</b>	Barna, Co Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	18524
<b>Applicant(s)</b>	Keith Kissane.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Keith Kissane
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	1 October 2018.
<b>Inspector</b>	Brid Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.78 hectares and is located on the southern side of the Regional Road R336 within the village of Barna west of Galway City. The site is occupied by a two storey dwelling with extensions to side and rear. Residential development adjoins to the east, west and south.

## 2.0 Proposed Development

- 2.1. The proposal seeks permission to retain and on-site sewage treatment plant and polishing filter. Application details indicate that it was originally intended to connect the dwelling to the public sewer as part of the domestic extension construction works and in accordance with permission 15/457, however it was discovered that the public sewer does not pass in front of the dwelling and is at approximately 100m west of the site. The alternative proprietary treatment system, now proposed for retention, was installed to replace the original septic tank and soakpit.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 19<sup>th</sup> June 2018, Galway County council decided to refuse permission for the following reason:

*“Having regard to condition no 5 of planning file ref no 15/457 and the severely limited size of the site at 780sqm in a serviced settlement and the failure to comply with DM standard 7 and DM Standard 29 of the County Development Plan 2015-2021 and the separation distance set out in Table 6.1 of EPA Manual (2009), it is considered by the Planning Authority that the safe disposal of domestic effluent on site cannot be guaranteed. The proposed development, would, therefore if permitted, be contrary to Objective WW5 of the County Development Plan, contravene condition no 5 of planning file ref no 15/457 and be prejudicial to public health, would*

*seriously endanger the health and safety of persons occupying the structure and would pose an unacceptable risk to ground and surface waters.”*

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

#### **3.2.1. Planning Reports**

Planner’s report notes the confined nature of the site and recommends refusal.

### **4.0 Planning History**

**15/457** Permission granted July 2015 for the construction of a single storey extension to the side and rear of existing dwellinghouse and conversion of a stone outbuilding for habitable purposes and associated site works (Gross floor space 59 sq.m)

Condition 5 required that “prior to occupation of the proposed development, the existing septic tank system shall be decommissioned in an environmentally safe way and connection shall be to the public sewer as proposed by the plans and particulars received by the planning authority on the 17<sup>th</sup> April 2015.”

### **5.0 Policy Context**

#### **5.1. Development Plan**

The Galway County Development Plan 2015-2021 refers. Variation No 2 (a) – Bearna. The site is zoned Residential Existing.

Objective EE10 – Connection to the public wastewater services

“Where public waste water services are available new developments shall be required to connect to same.”

DMS Standard 29 Effluent Treatment Plants.

“The suitability of a site for the treatment of wastewater shall be determined in accordance with the criteria set down the EPA Wastewater Treatment Manuals (1999 2009) or any revision or replacement of these manuals or any guidelines issued by the EPA concerning the content of these manuals”.

DM Standard 7: Site size for Single Houses Using Individual On-site Waste Water Treatment Systems.

“A minimum site size of 2000m<sup>2</sup> is generally required for a single house so as to provide for adequate effluent treatment, parking, landscaping, open space and maintenance of rural amenity. For house sizes greater than 200m<sup>2</sup> the site size shall be increased by 10m<sup>2</sup> for each 1m<sup>2</sup> of house area above 200m<sup>2</sup>. Special consideration will be given to existing houses and to proposed developments who can demonstrate Rural Housing Need and comply with EPA guidelines where the minimum size is not totally achievable.”

## 5.2. **Natural Heritage Designations**

Galway Bay Complex SAC

Inner Galway Bay SPA

## 6.0 **The Appeal**

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

The appeal is submitted by Cyril K Kelly and Associates Consulting Engineers on behalf of the first party. Grounds are summarised as follows:

- Applicant commenced works on site with the full intention of complying with condition 5 of 15/457 however on discovering that sewer terminates some 100m west of the site rather than in front of the site as initially understood, alternative system was installed.
- Site suitability tests carried out and suitable system designed and installed comprising a Tricel PE6 Treatment unit and secondary treatment with dispersal to a two module puraflow bio fibrous peat filter.
- Location of the WWTP is 7m from the habitable section of the rear stone structure and 3m from the site boundary.

- Once the system is maintained and treatment plant de-sludged yearly the high-tech combination system provides adequate protection for ground and surface water and allows for the safe disposal of treater effluent.
- Pre-existing septic tank was appropriately decommissioned and decontaminated.
- Discretion should be exercised for the exceptional circumstances of the case.

## 6.2. Planning Authority Response

The planning Authority did not respond to the appeal.

## 7.0 Assessment

- 7.1. The appeal site is highly restricted in size 0.078 hectares and is occupied by a dwelling with a not insubstantial footprint. Application details record results of a site suitability test carried out on 20<sup>th</sup> February 2017. Trial hole was excavated to 0.95m due to the presence of bedrock at this depth. There was no sign of mottling and the hole remained dry. Soil / subsoil is classified as silt / clay and silt / sandy at 0.5m. The P test result was 11.83. The system as installed includes a Tricel PE6 Treatment Plant with secondary treatment and dispersal in a 2 module puraflo bio-fibrous peat filter.
- 7.2. I note that the application details provide no information with regard to the treatment systems serving adjacent dwellings and clearly having regard to the scale of one off residential development in the area the issue of concentration of effluent treatment systems is a significant concern. Such high density suggests that there is a high loading rate in the locality with potential nuisance problems. The proposal involves the retention of system, notwithstanding its engineered design, on a severely restricted site in an area subject to a concentration of effluent treatment systems. I note access issues in terms of ongoing maintenance of the system given the site's location and footprint of the dwelling. Having regard to these matters, I would tend to concur with the local authority that the development proposed for retention is prejudicial to public health and detrimental to residential and environmental amenity.

- 7.3. On the issue of EIA screening, having regard to the limited nature and scale of the development proposed for retention, nature of the receiving environment and distance to sensitive locations or features, there is no real likelihood of significant effects on the environment arising from the development proposed for retention. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 7.4. Having regard to the nature and scale of the development proposed for retention and the nature of the receiving environment and proximity to 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. Having regard to the foregoing I recommend that the decision of the local authority be upheld and permission refused for the following reason.

## **9.0 Reasons and Considerations**

- 9.1. Having read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising, I recommend that planning permission be refused for the following reasons and considerations.

### **Reasons and Considerations**

1. The proposed retention of an effluent treatment system on a restricted site in a serviced village would conflict with Development Plan standard 29 and Development Plan Standard 7 of the Galway County Development Plan 2015-2021 with regard to Effluent Treatment Plants and Site Size for Single Houses Using Individual On-site Waste Water Treatment Systems. Accordingly, it is considered that the development proposed for retention would result in an unsatisfactory standard of residential amenity for the future occupants of the development, would be prejudicial to public health and would set an undesirable precedent for similar such development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Brid Maxwell  
Planning Inspector  
2<sup>nd</sup> October 2018