An Bord Pleanála

# Inspector's Report ABP-304073-19

**Development**

Alterations and additions to an existing 2-storey detached farmhouse, comprising the removal of an existing lean-to dormer roof structure to the rear, and the construction of a new pitched roof structure in keeping with the profile of the existing roof to the original 2-storey dwelling. The proposed works will include the provision of a new bedroom and bathroom in lieu of the existing bathroom and store room accommodation at first floor level to the rear, and the provision of new dormer windows to the side and rear. The proposed development will also comprise the conversion of part of an existing single storey shed structure to the rear at ground floor level into new boot room and utility room accommodation, together with alterations to existing window openings to the side and rear at ground floor level, and all ancillary site

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| | works including demolition of existing detached shed structure to gable end. |
| **Location** | Callowhill Lower, Newtownmountkennedy, Co. Wicklow. |
| **Planning Authority** | Wicklow County Council |
| **Planning Authority Reg. Ref.** | 181253 |
| **Applicant(s)** | Brian Kehoe & Stephen Doran |
| **Type of Application** | Permission |
| **Planning Authority Decision** | Wicklow County Council |
| **Type of Appeal** | Third Party v. Decision |
| **Appellant(s)** | Daniel Brady |
| **Observer(s)** | None. |
| **Date of Site Inspection** | 19th June, 2019 |
| **Inspector** | Robert Speer |

## 1.0 Site Location and Description

1.1. The proposed development site is located in the rural townland of Callowhill Lower, Co. Wicklow, approximately 2.3km southwest of the Newtownmountkennedy and 6.5km east of Roundwood, in an area characterised by an undulating rural landscape interspersed with intermittent instances of one-off housing and agricultural outbuildings. In this respect the immediate site surrounds include a notable grouping / clustering of buildings / structures comprising a number of farm buildings, 2 No. holiday homes, and several dwelling houses. The site itself has a stated site area of 0.193 hectares, is generally rectangular in shape, and encompasses a two-storey, three-bay, detached farmhouse in addition to a number of outbuildings and yard areas. To the immediate west the site adjoins agricultural lands whilst the public road is to the south with the adjacent lands to the north and east occupied by neighbouring housing and associated outbuildings.

## 2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the following:

- Alterations and additions to an existing two-storey detached farmhouse, including the removal of an existing lean-to dormer roof structure to the rear and the construction of a new pitched roof structure in keeping with the roof profile of the original dwelling. The proposed works will provide for a new bedroom and bathroom at first floor level (in lieu of an existing bathroom and storage areas) with dormer windows to the side and rear.
- The conversion of part of an existing single storey shed / barn to the rear of the dwelling house at ground floor level into a new boot room, shower room, and utility area, together with associated alterations to the window openings to the side and rear.
- The demolition of an existing single storey detached shed.
- Associated ancillary site works.

2.2. In response to a request for further information, proposals were submitted to replace an existing septic tank system located on the opposite side of the public road with a

new wastewater treatment system to be installed within the confines of the application site.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Following the receipt of a response to a request for further information and revised public notices, on 28th February, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 4 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires the payment of a development contribution in the amount of €565.

Condition No. 3 – Refers to the installation and construction of the proposed wastewater treatment system.

Condition No. 4 – Requires the external finishes to match those of the existing dwelling house.

### 3.2. Planning Authority Reports

*3.2.1.* ***Planning Reports:***

An initial report noted that the overall principle and design of the proposed extension was acceptable and that it would not impact on the amenity of neighbouring properties. However, given the scale of the proposed extension relative to the existing dwelling house, and in line with the recommendations of the Environmental Health Officer, it was recommended that further information be sought in respect of the wastewater treatment and disposal arrangements.

Following the receipt of a response to a request for further information, a final report was prepared which noted that the proposal to install a new wastewater treatment system on site would appear to comply with current EPA standards and thus would not have an adverse impact on adjacent properties. It was subsequently recommended to grant permission, subject to conditions.

*3.2.2.* ***Other Technical Reports:***

*Dublin City Council, Water Services Division*: No objection as the site does not impact on any of Dublin City Council's trunk distribution watermains.

*Environmental Health Officer:* An initial report recommended that the applicants be required to provide certification that the existing septic tank and percolation area complied with NSAI (SR6) 1991 (the distribution box to be uncovered for inspection and the exact nature and extent of the percolation area identified). In the event that the existing system did not comply with SR6:1991, proposals were to be submitted to provide for an upgraded system which did comply with the current requirements of the *'EPA Code of Practice, Wastewater Treatment and Disposal Systems Serving Single Houses, 2009'* (to include a completed site characterisation form and an amended site plan detailing the location of the new wastewater treatment system).

Following the receipt of a response to a request for further information, a final report indicated that there was no objection to the proposed development, subject to conditions.

## 3.3. Prescribed Bodies

None.

## 3.4. Third Party Observations

3.4.1. A single submission was received from the appellant and the principle areas of concern / grounds of objection contained therein can be summarised as follows:

- The proposed wastewater treatment system will be located c. 7m from the front door of the appellant's dwelling house.
- The location of the test hole is not shown on the submitted plans and is located only 1m from the site boundary ditch.
- There is an existing domestic well located 25m downgradient of the proposed percolation area.

- Contrary to the submitted details, the neighbouring housing is not connected to the public watermain with the water supply for same obtained from a private well.
- The submitted drawings have mistakenly identified the building closest to the application site as a shed which it is in fact a dwelling house.
- The site assessment incorrectly states that there are no wells / springs within 100m.
- There is an existing ESB pole in the middle of the proposed percolation area.
- The proposed effluent treatment system will be located within a grouping of farm buildings and residential properties.
- The location of the proposed wastewater treatment system poses a risk of water contamination.
- The existing septic tank should be upgraded instead of a new wastewater treatment system being installed.

## 4.0 Planning History

### 4.1. *On Site:*

None.

### 4.2. *On Adjacent Sites:*

PA Ref. No. 042050. Was granted on 10th August, 2005 permitting Daniel Brady permission for 1. The retention and completion and change of use of farm buildings to 2 no. holiday homes. 2. New entrance onto main road. 3. Sewage treatment system and percolation area, at Callow Hill, Newtownmountkennedy, Co. Wicklow.

- PA Ref. No. 102480. Was granted on 2nd July, 2010 permitting Daniel Brady an 'Extension of Duration' of PA Ref. No. 042050 until 9th August, 2012.

PA Ref. No. 138299. Was granted on 15th July, 2013 permitting Daniel Brady permission for a bored well on site to serve 2 No. holiday homes previously granted under ref 04/2050 in lieu of connection to watermain at Callowhill Lower, Newtownmountkennedy, Co. Wicklow.

## 5.0 Policy Context

### 5.1. Development Plan

#### *5.1.1. Wicklow County Development Plan, 2016-2022:*

*Chapter 4: Housing:*

*Section 4.4: Housing Objectives:*

*HD25:* The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria:

- the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered;
- buildings must be of local, visual, architectural or historical interest;
- buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained. (A structural survey by a qualified engineer will be required with any planning application); and
- works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications.

*Chapter 9: Infrastructure:*

*Section 9.2.3: Waste Water:*

WI7: 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 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 the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10) and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

*Appendix 1: Development and Design Standards:*

*Section 8: Water Services: Wastewater Disposal: On-Site Wastewater Systems:*

On-site effluent disposal systems for single houses will be required to comply with Wicklow County Councils "Policy for wastewater treatment and disposal systems for single houses (PE ≤ 10)" which is available on the County Council's website.

This policy document is based primarily on the EPA standards for onsite systems but also contains additional requirements.

For all other on-site systems, the provisions of the relevant EPA Manuals shall be applied.

Persons carrying out a site assessment must submit appropriate background information confirming their competency to carry out the assessment and details of their professional indemnity insurance.

*Appendix 2: Single Rural House Design Guidelines: Section 4: Ancillaries:*

*Extensions to Existing Rural Houses:*

The design of an extension should be sympathetic to the existing house. This does not mean that it has to exactly match the existing style, height and finishes, but that it should complement the existing house and not look out of place.

A good extension is usually subservient to the main building i.e. extensions should be designed so that they look like extensions rather than a new house 'attached' to an old house. Extensions can reflect traditional aspects of the existing building, but contemporary extensions can also serve to complement the existing building.

There are no hard and fast rules about the size of an extension, but it will be necessary to ensure that:

- The extension respects the size of the existing house;
- The extension does not reduce the area of the garden to such a degree that it affects the usefulness of the garden;
- The site is big enough to accommodate the extension as well as all the other facilities that a house requires e.g. effluent disposal system, car-parking area etc.

*Conversions:*

Proposals for the conversion or reinstatement of existing buildings of substance in the countryside that are deemed worthy of retention by the Council will be considered favourably, providing they satisfy the following criteria:

- The original walls must be substantially intact. Buildings of a ruinous nature will not be appropriate.
- Buildings should be of local, visual or historical interest and be constructed in traditional materials to justify retention and conservation;
- Buildings must be physically capable of undergoing conversion and their original appearance must be substantially retained. A structural survey by a chartered engineer must be submitted as part of a planning application.
- Works must be executed in a sensitive manner and retain architecturally important features whenever possible and make use of existing buildings and traditional and complementary building materials, techniques and specifications.

### 5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Carriggower Bog Special Area of Conservation (Site Code: 000716), approximately 4.3km northwest of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 5.3km east of the site.
- The Murrough Special Protection Area (Site Code: 004186), approximately 5.3km east of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- By way of background the Board is advised as follows:
  - The planning application was initially lodged on 23rd November, 2018 with no reference to septic tanks or wastewater treatment.
  - On 8th January, 2019 the Planning Authority issued a request for further information as regards the upgrading of the existing septic tank system given the scale of the proposed extension.
  - On 1st February, 2019 the applicants submitted proposals to install a new wastewater treatment system in a location 50m away from the existing septic tank as a replacement for same.
  - On 1st February, 2019, the Planning Authority acknowledged the receipt of the applicants' response to the request for further information and indicated that it would require the publication of revised public notices within one month.
  - On 8th February, 2019 the applicants submitted copies of revised public notices to the Planning Authority, although the wording of same made no reference to the installation of the new wastewater treatment system.

- From a review of the plans and particulars lodged by the applicants in response to the request for further information issued by the Planning Authority, the appellant had several concerns as to how the proposed development could impact on his property:
    - The submitted plans stated incorrectly that the appellant's property was connected to the public watermain when it is in fact served by a private bored well.
    - The appellant's private well is located only 34m from the proposed percolation area whereas the required minimum separation distance is 40m.
    - The appellant's well is sited downgradient of the proposed wastewater treatment system.
- On 21st February, 2019 the appellant was notified that the Planning Authority had received additional information from the applicants on 19th February, 2019, however, this was the last day to make a submission. Accordingly, it is submitted that the applicant should have been afforded the opportunity to make a further submission on the additional details supplied by the applicants on 19th February, 2019.
- The proposed wastewater treatment system poses a risk to the contamination of the appellant's private water supply / bored well due to the following factors:
    - The inadequate separation distance of 36m between the proposed wastewater treatment system and the private well.
    - The location of the existing well downgradient of the proposed percolation area.
    - The presence of 2 No. surface water drains from a nearby hayshed within the proposed percolation area. In this respect it is submitted that there is a high possibility that these drainage pipes pass directly through the new percolation area before entering the appellant's property in order to discharge into a watercourse and thus pose a risk of water pollution.

- It is unclear why the applicants have sought to install the new wastewater treatment system in an area away from the location of the existing septic tank. There is sufficient space within the surrounds of the existing septic tank system to permit the upgrading of same with no risk of pollution to neighbouring properties etc.

## 6.2. **Applicant Response**

- The exact position of the appellant's well was ascertained from a review of the plans and particulars granted permission under PA Ref. No. 13/8299 which approved the installation of a bored well in lieu of connection to the watermain for the 2 No. holiday homes previously permitted under PA Ref. No. 04/2050. These details were then used to inform the applicants' submission of additional information.
- With regard to the accuracy of the submitted drawings, a full and comprehensive GPS survey was undertaken on site which was then cross-referenced with measurements taken from the relevant OSi AutoCAD digital mapping for the application site. Therefore, it is considered that the measurements outlined in the submitted report are accurate.
- The existing well is downgradient of the proposed wastewater treatment system and, therefore, a separation distance of 40m is required in instances where the 'T'-value is in excess of 30 minutes as per the EPA's Code of Practice, 2009. The subject proposal satisfies this requirement.
- It is accepted planning practice to ensure that any wastewater treatment system serving a domestic property is located within the curtilage of that dwelling. In the subject case, the existing septic tank system is located across the public road on lands which are not within the applicants' ownership and thus is contrary to good practice. Following detailed site investigations, it was established that a new on-site wastewater treatment system could be provided wholly within the applicants' property in accordance with current EPA guidelines. The wastewater treatment system proposed addresses all planning and technical issues accordingly.

- It has not been corroborated that the location of the surface water pipework as shown on the mapping provided with the grounds of appeal is accurate. Where any potential conflict is identified, it is recommended that the pipework be diverted from the yard to a new surface water soakaway to be constructed as required. In this regard the applicants are amenable to a condition requiring soil infiltration tests to be undertaken on site pursuant to BRE 365 Digest with any new surface water soak-pit to be designed and constructed accordingly. In support of the foregoing, it is apparent from the site suitability tests already conducted on site that there is drainage in the area and thus a surface water soak-pit can be suitably designed. In such a scenario, surface water would be conveyed in sealed pipes to the soak-pit and, therefore, there would be no risk of contamination.
- The existing dwelling house requires significant modernisation in order to comply with current Building Regulations and the proposed works are intended to address same.
- The existing septic tank system was installed approximately 40 No. years ago, does not comply with current EPA standards, and is located across a public road on lands which are not in the applicants' ownership. Following an investigation of the existing septic tank, an opportunity was identified to provide an on-site wastewater treatment system which would also accord with the current requirements of EPA guidance. This proposal was received and approved by the Planning Authority accordingly.
- It is acknowledged that the application site is quite restricted due to its geometry and the location of a number of agricultural buildings together with the proximity of 2 No. dwelling houses in the ownership of the appellant (please refer to PA Ref. No. 042050). However, the proposed wastewater treatment system has been designed to accord with EPA guidelines and has been approved by the Planning Authority.

### 6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

## 7.0 Assessment

7.1. 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:

- Overall design and layout
- Impact on residential amenity
- Wastewater treatment and disposal
- Appropriate assessment

These are assessed as follows:

7.2. ***Overall Design and Layout:***

7.2.1. Having regard to the overall design and layout of the proposed development, in my opinion, it is in keeping with the overall character of the existing dwelling house and will not have an undue adverse impact on the visual amenities or rural character of the wider area.

7.3. ***Impact on Residential Amenity:***

7.3.1. Given the overall nature, design and layout of the proposed development, and noting the historical use of the site for residential purposes, I am satisfied that the subject proposal will not give rise to any significant detrimental impact on the residential amenity of surrounding properties by way of overlooking or overshadowing etc.

7.4. ***Wastewater Treatment and Disposal:***

7.4.1. The proposed development, as initially submitted to the Planning Authority, involves the alteration and extension of an existing dwelling house, however, given the scale and extent of the works proposed (I would also advise the Board that the proposal

will result in an increase in the number of bed spaces and the potential maximum occupancy of the property), the Planning Authority sought full details of the existing septic tank system in order to ascertain whether or not it complied with the requirements of the EPA's '*Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, 2009'* or *SR6:1991: 'Septic Tank Systems: Recommendations for Domestic Effluent Treatment and Disposal for a Single Dwelling House'* (EOLAS). Notably, in the event that the existing septic tank system failed to comply with the aforementioned standards, the applicant was further requested to submit proposals for the provision of an upgraded effluent treatment system in addition to various supporting information, including certified results of on-site percolation tests, details of the percolation area, and a revised site layout plan.

7.4.2. In response to the request for further information, the applicants have indicated that the septic tank system serving the existing dwelling house is located off-site on the opposite side of the public road on lands outside of their ownership and, therefore, in line with accepted practice, it is proposed to remove / decommission same and to install a new wastewater treatment system discharging to a sand polishing filter within the confines of the application site. Therefore, I would refer the Board to the Site Characterisation Form received by the Planning Authority on 1st February, 2019 (in addition to the supplementary information provided) which details that the trial hole encountered 800mm of gravel stoney SILT overlying 900mm of marble CLAY to the depth of the excavation at 1.7m below ground level. Although no rock was encountered, water ingress was recorded at a depth of 800mm below ground level. With regard to the percolation characteristics of the subsoil, a 'T'-value of 30.44 min / 25mm and a 'P'-value of 26.83 min / 25mm were recorded.

7.4.3. Having reviewed the submitted Site Characterisation Form and the accompanying supporting information, I would have some reservations as regards the veracity of the details provided. In the first instance I would advise the Board that the reference to the trial hole having been excavated to a depth of 2m set out in Paragraph No. 2 of the 'Appendix' does not correspond with the contents of the Site Characterisation Form. Moreover, the percolation test results detailed in Paragraph No. 1 of the same 'Appendix' deviate significantly from those recorded in the Site Characterisation Form. These same discrepancies are also apparent in the amended documentation received by the Planning Authority as unsolicited further information on 19th

February, 2019 in response to the fact that the appellant's neighbouring properties are served by a private well as opposed to the public watermain. However, it would appear that the applicants have sought to rely on the results of the percolation tests set out in the characterisation form in order to inform the design of the proposed effluent treatment system.

7.4.4. Notably, the additional details submitted on 19th February, 2019 provide for a revised design of wastewater treatment system comprising a (8 P.E.) mechanical treatment unit which will pump effluent to a 'Ecoflo' tertiary treatment filter (as per the accompanying manufacturer's specifications) followed by a 33$m^2$ attenuation layer / polishing filter before discharging to ground via a gravel distribution bed. This system will be installed within the confines of an existing concrete yard to the rear of the application site.

7.4.5. From a review of the available information, whilst I would have some reservations as regards the suitability of the underlying ground conditions on site for the disposal of treated effluent given the limited depth of permeable subsoil and the level of water ingress, it should be acknowledged that the submitted proposal provides for the tertiary treatment of effluent within the confines of the site and thus could be considered to represent an improvement over the current scenario which is reliant on a decades-old septic tank located on third party lands outside of the applicants' control. Furthermore, I note that the Local Authority Environmental Health Officer was satisfied that the proposed wastewater treatment system could be accommodated on site, subject to conditions, including a requirement that it be installed pursuant to the specifications set out in the EPA's *'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, 2009'*.

7.4.6. With regard to the specific concerns raised in the grounds of appeal as regards the proximity of the proposed wastewater treatment system to the private well permitted under PA Ref. No. 138299 (which serves 2 No. holiday homes within the neighbouring property to the immediate southeast constructed pursuant to PA Ref. No. 042050) and the associated risk of contamination, I would refer the Board to the revised site layout plan and accompanying documentation submitted by the applicants on 19th February, 2019 (as reiterated in response to the grounds of appeal) wherein it has been asserted that there is a separation distance of c. 40m

between the proposed attenuation layer / polishing filter and the appellant's downgradient well.

7.4.7. From a review of Table B.3: '*Recommended Minimum Distance between a Receptor and a Percolation Area or Polishing Filter'* of the EPA Code of Practice, a minimum separation distance of 40m is recommended between a polishing filter and a downgradient well in instances where the 'T'/ 'P'-value is in excess of 30 min / 25mm and there is a depth of 1.2m of soil / subsoil above bedrock. In cases of a 'T'/ 'P'-value of 10-30 min / 25mm being recorded, the equivalent minimum recommended separation distance is 45m. In a broader context, the recommended minimum separation distances gradually reduce to 30m as the depth to bedrock increases with the distances for intermediate depths approximated by interpolation.

7.4.8. Given that the Site Characterisation Form states that the percolation tests undertaken on site yielded a 'T'-value of 30.44 min / 25mm and a 'P'-value of 26.83 min / 25mm whilst the trial hole recorded a depth 900mm of unsaturated subsoil, I would suggest that the separation distance of c. 40m as detailed on the site layout plan submitted in response to the grounds of appeal (noting that the location of the appellant's well has been derived from the site layout plan approved under PA Ref. No. 138299) is perhaps the minimum permissible. At this point I would emphasise that the foregoing figures are minimum separation distances and that the Code of Practice specifically states that in certain circumstances, such as instances when the bedrock is at a shallow depth (i.e. less than 2m below the invert of the trench), greater distances may be required where there is evidence of preferential flow paths (e.g. cracks, roots) in the subsoil. In effect, the depths and distances provided in Table B.3 are based on the concepts of 'risk assessment' and 'risk management' and take account, as far as practicable, of the uncertainties associated with hydrogeological conditions in Ireland, and the use of same does not guarantee that pollution will not be caused, but rather reduces the risk of significant pollution occurring.

7.4.9. Accordingly, in order to assess the potential for contamination of the appellant's water supply it is necessary to consider a number of factors. For example, it should be noted that the proposed development site is located over a 'Poor Aquifer' (bedrock which is generally unproductive except for local zones) which is overlain by a subsoil composed of till derived chiefly from Cambrian sandstones and shales (as

derived from the GSI mapping database). The groundwater is also considered to be of moderate vulnerability and this can be attributed to the underlying soil conditions, the depth of water ingress as evidenced from the trial hole investigation, and the percolation qualities of the subsoil as established by the percolation testing. These factors, when combined with other considerations such as the slope of the site, would therefore contribute to an increased potential for the movement of contaminants through the subsoil and down-gradient. However, consideration must also be given to factors such as the absence of any karstification in the wider area which would serve to reduce the potential for pollution of surrounding water supplies. Similarly, regard must be had to the proposed use of a new wastewater treatment system and level of effluent treatment to be provided by same.

7.4.10. On balance, whilst I would acknowledge the legitimacy of the appellant's concerns, having regard to the site context, the proposal to replace an out-dated septic tank with a new wastewater treatment system, the groundwater protection response, the assessment by the Environmental Health Officer of the Local Authority, and the provisions of the EPA's '*Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses'*, it is my opinion that the separation distance of c. 40m between the proposed polishing filter and the relevant receptor (i.e. the appellant's private water supply / well) could be considered adequate in the circumstances to prevent any significant contamination of same, subject to conditions, including a requirement that the proposed wastewater treatment system is designed, installed and maintained in accordance with the EPA Code of Practice.

7.4.11. With regard to the presence of surface water drainage routes through the location of the proposed treatment system, I would suggest that this could be addressed by way of condition in the event of a grant of permission.

7.4.12. By way of further comment, I would advise the Board that the appellant was granted permission under PA Ref. No. 138299 for a bored well to serve the 2 No. holiday homes previously permitted under PA Ref. No. 042050 as connection to the public watermain was not feasible at the time. However, in the subject instance, the applicant (in reference to the details provided in the planning application form and the Site Characterisation Form), the Environmental Health Officer, and the case planner, have all indicated that the application site is served by the public watermain. Accordingly, I have considered the subject proposal on the basis of the information

provided, although the Board may wish to consider seeking further confirmation of the availability of a public water supply at this location.

7.5. ***Appropriate Assessment:***

7.5.1. 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.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

9.1. Having regard to the established residential use on site, to the proposal to install a new sewage treatment unit on site, and to the size and design of the proposed alterations and additions to the existing dwelling house, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would provide for an adequate and acceptable means of effluent treatment and disposal, and would not be prejudicial to 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st day of February, 2019, the 8th day of February, 2019 and the 19th day of February, 2019, and by the further plans and particulars received by An Bord Pleanála on the 26th day of April, 2019,

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. The external finishes of the proposed development shall be the same as those of the existing dwelling in respect of colour and texture.

   **Reason:** In the interest of visual amenity

3.

   a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 19th day of February, 2019, 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 occupancy of the development 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 dwelling, outbuildings and paved areas of the site shall be diverted away from the location of the polishing filter.

e) Within three months of the first occupation of the development, 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 Environmental Protection Agency document.

**Reason:** In the interest of public health

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

   **Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Robert Speer
Planning Inspector

25th June, 2019