



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304316-19**

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|-------------------------------------|---|
| <b>Development</b>                  | Retention of extension and septic tank as constructed at altered location to that granted under Reg. Ref. 85/251. |
| <b>Location</b>                     | Balfeddock, Slane, Co. Meath.   |
| <b>Planning Authority</b>           | Meath County Council  |
| <b>Planning Authority Reg. Ref.</b> | LB180935  |
| <b>Applicant(s)</b>                 | Thomas & Rita Gorman  |
| <b>Type of Application</b>          | Retention Permission  |
| <b>Planning Authority Decision</b>  | Grant   |
| <b>Type of Appeal</b>               | Third Party   |
| <b>Appellant(s)</b>                 | Sean McEntee  |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 18 <sup>th</sup> of July 2019   |
| <b>Inspector</b>                    | Angela Brereton   |

## 1.0 Site Location and Description

- 1.1. The application site is located in the townland of Balfeddock, c.3.8km north-east of Slane Village and 2km north of Newgrange. It is located within the Bru Na Boinne Buffer Zone. Access is off the N51. There is a traditional two storey cottage on site, that has been extended. The area of the site is somewhat restricted in view of its size and proximity to the adjoining property.
- 1.2. There is a dwelling located in proximity to the south west with some sheds at the rear with signage 'Sean McEntee'. There is a separate entrance driveway to a dwelling and associated farm buildings further to the south west. There is agricultural land (not within the site boundary) to the east and south of the site.
- 1.3. The access to this site from the N51 Slane – Drogheda road, is existing and sightlines are inadequate particularly in an eastern direction.

## 2.0 Proposed Development

- 2.1. Retention permission is sought for the following:
  - The existing rear extension to the dwelling house as laid out and constructed from that as granted under Reg.Ref. 85/251.
  - The existing side sun-lounge extension to the dwelling house.
  - The existing septic tank & percolation area as laid out and constructed at altered location from that as granted under Reg.Ref. 85/251.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 3<sup>rd</sup> of April 2019, Meath County Council granted permission for the proposed development subject to 8no. conditions. These include the following:

- Condition no.2 - The existing dwelling and extension subject to retention shall be jointly occupied as a single residential unit.

- Condition no.3 – The proposed on-site system shall be constructed in accordance with the recommendations contained in the EPA Guidelines, 2009.
- Condition no.4 – Provides for maintenance of the wastewater treatment system.
- Condition nos. 5 – 7 relate to construction, no parking on and repair to public roads.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planner's Report has regard to the locational context of the site, planning history and policy and to the submissions made and the interdepartmental reports. Their Assessment includes regard to the following:

- They have regard to screening for AA and conclude that a Stage 2 AA (NIS) is not required in this instance.
- They have regard to the design and layout and note that it appears that the extensions have been in place for sometime and are therefore considered statute barred.
- They note that the Environment Section is seeking F.I in respect of the existing septic tank and percolation area.
- The applicant has not proposed any changes to the existing access to the N51.
- House extensions are exempt from development contributions as per the Meath County Development Contributions Scheme.

*Further Information* sought included the following:

- Details demonstrating that sufficient capacity exists within the existing percolation area to cater for the population equivalent of the house, OR in the event of an upgraded percolation area/polishing filter being required this must be accompanied by a full site characterisation report.

### *Response to F.I*

Declan P. Walsh & Co. response on behalf of the applicants includes the following:

- They enclose a Site Characterisation Report which they provide is prepared in accordance with the EPA (2009) Code of Practice.

### *Planner's response*

- They provide that the applicant has responded to the F.I request and note that all issues have been addressed to the satisfaction of the P.A and that the proposal accords with the principles of the Meath CDP. They recommend that retention permission be granted subject to conditions.

## **3.3. Other Technical Reports**

### *Transport*

The Transportation Section requested details to demonstrate unobstructed sightlines.

### *Conservation*

The Architectural Conservation Officer noted the highly sensitive setting of the site relative to its location within the buffer zone of the Bru Na Boinne. While not a Protected Structure it is recommended that the rear extension be approved for retention permission but that the sun lounge structure be either removed or redesigned.

## **3.4. Third Party Observations**

A Submission has been received from the adjoining local resident relative to concerns about drainage. As he is the subsequent Appellant, this is considered in the context of the Third Party Appeal.

## **4.0 Planning History**

The Planner's Report provides that there is no recent planning history associated with the site.

## 5.0 Policy Context

### 5.1. Meath County Development Plan 2013-2019

#### Development in the UNESCO World Heritage Site of Bru Na Boinne

Section 9.6.7 seeks to protect views and prospects that are sensitive to inappropriate forms of development both within and form the World Heritage Site as a major factor contributing to its integrity. Protected views are listed in Appendix 12 and shown on Map no. 9.5.1. Policies CH POL 1- 4 relate as do Objectives CH OBJ 1 – 6.

CH POL 3: *To require that all development within the UNESCO World Heritage Site of Brú na Bóinne shall be subject to the Development Assessment Criteria set out in Volume 1, Chapter 9, Section 9.6.7, and elsewhere in the Development Plan.*

CH POL 4: *To refer all planning applications within the UNESCO World Heritage Site of Brú na Bóinne to the Department of Arts, Heritage and the Gaeltacht for comment. These comments will be considered in the making of decisions on all such planning applications.*

CH POL 10: *To conserve and protect the architectural heritage of Meath.*

The Development Assessment Criteria includes regard to sensitively designed extensions to dwellings.

#### Rural Vernacular

Section 10.15 refers to Vernacular Rural Buildings and notes the built legacy of traditional dwellings in Meath.

RD POL 30 seeks: *To promote the viable re-use of vernacular dwellings without losing their character and to support applications for the sensitive restoration of disused vernacular or traditional dwellings.*

RD POL 31 seeks: *To encourage and facilitate the appropriate refurbishment of existing housing stock in rural areas and in certain limited cases the replacement of existing dwellings subject to development assessment criteria outlined below.*

RD POL 32 seeks: *To oppose the demolition and replacement of traditional or vernacular rural houses in order to protect the varied types of housing stock in rural areas of the County and to preserve the rural built heritage.*

RD POL 34 seeks: *To respect the sensitive restoration and conversion to residential use of disused vernacular or traditional dwellings or traditional farm buildings, including those which are Protected Structures, such proposals shall not be subject to the Rural Housing Policy (i.e. local need) that applies to new dwellings.*

#### Extensions

Section 11.2.4 provides the criteria for the assessment of House Extensions. These include relative to high quality design, impact on the amenities of adjoining properties, effect on the front building line, retaining adequate private open space, external appearance, adequacy of wwts etc.

#### Wastewater Disposal

Section 10.19.2 refers to Groundwater Protection and the Planning System and seek to ensure environmental protection. Policies RD POL 44 and RD POL 45 refer.

Section 10.19.3 refers to Wastewater disposal in unserviced areas. Policies RD POL 46 – 53 relate.

RD POL 48 seeks: *To ensure all septic tank/proprietary treatment plants and polishing filter/percolation areas satisfy the criteria set out in the EPA 'Code of Practice Waste Water Treatment and Disposal Systems Serving Single Houses (p.e. <10)', (2009) (or any other updated code of practice guidelines) in order to safeguard individual and group water schemes.*

RD POL 51 seeks: *To ensure that direct discharge of effluent from on site waste water disposal systems to surface water is not permitted.*

#### Flooding

The site is not within any identified flood risk zones. There is a Flood Risk Zone A approx. 75m north of the site.

Policies WS POL 29, 31 and 32 seek to ensure flood risk assessment and refer to surface water management.

## **5.2. Code of Practice Wastewater Treatment Disposal Systems serving Single Houses**

This document (2009) by the EPA relevant to single houses (p.e <10) and replaces SR6:1991 and the EPA Manual 2000 for 'Treatment Systems for Single Houses'.

The objective is to protect the environment and water quality from pollution and it is concerned with site suitability assessment. It is concerned with making a recommendation for selecting an appropriate on site domestic wastewater treatment and disposal system if the site is deemed appropriate subject to the site assessment and characterisation report. The implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligations under Council Directive (75/442/EEC).

### **5.3. EU Water Framework Directive**

The purpose of the EU Water Framework Directive (WFD) 'is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater.

### **5.4. Natural Heritage Designations**

The site is not within or directly adjoining any Natura 2000 site. The River Boyne and River Blackwater SAC and SPA is within a 15km radius.

### **5.5. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

A Third Party Appeal has been submitted by the adjoining local resident Seán MacEntee. His grounds of appeal also note his Submission at planning application stage and include the following:

- Drainage from the applicant's land and WWTS is entering his surface water drainage pipe (shown on enclosed plan). This is a full breach of a legal court agreement (see attached).
- Information submitted on behalf of the applicant is incorrect as the water table is 0.78m (2' 7") below ground level. Condition 3 of the planning permission cannot be complied with.

His Submission to the planning application is included with the grounds of appeal and includes the following:

- He notes the proximity of the septic tanks to his boundary and drainage from his drainage.
- He reiterates that his drainage pipe and manholes are solely and legally owned by him and were installed in 1974.
- He provides details of the installation of these pipes noting that one of the manholes is nearly in line with the front of the cottage and one with the back.
- He provides details of the asbestos water pipes installed.
- In 1991 the piece of land that his drainage pipes and manholes were on was sold and details are given of the history of this land and note is had of the Martin/Gorman ownership of the cottage lands.
- He provides that in 2008 Mr Gorman erected the sun lounge on top of Mr McEntee's drainage pipes between the manholes without the Appellant's permission, obstructing his drainage and direct access.
- He notes concerns about disposal of the asbestos pipes and digging up of these manholes.
- He provides that a new septic tank adjoining the one already there was installed without his permission.
- He notes his concerns relative to sludge and wastewater from these pipes to the remainder of his pipe, which has resulted in major blockages and backflow.
- He notes issues with toxic sludge and provides that their drainage system has never been maintained or tested.



- There have been numerous Circuit court cases since in relation to this issue brought by the Appellant in the last number of years.
- He provides details relevant to replacement/diverted piping.
- He contends that the Gorman's are in serious breach of legal agreements by continuing to let septic tanks flow into the pipe and manholes.
- As it currently stands he has been granted the Grant of Easement signed by the Gorman's and registered on their Folio. He includes a copy of a letter from his Solicitor's.
- The site has an area of 0.0735 (0.18 st. acres) which does not comply with the various regulations. The size and location of the percolation areas is very vague.
- The septic tanks are too close to his boundary and the said percolation – he queries if there is any. He includes photographs relative to this issue and showing pipes and manholes.
- The pipe and manholes should only be for the Appellant's use.
- The width of the rear garden is less than 13m so it is unlikely that the percolation can be 3m from each boundary.
- From time to time his property gets flooded (especially during the winter months and its backs up, as their land is sloped and as such his pipe gets submerged from rain water and with the overflow from their septic tanks. This then flows out onto the dyke between the road and the ditch.
- Permission should be refused in the interest of public health from a health and safety perspective.

## 6.2. Applicant Response

Declan P Walsh & Co Solicitors have submitted a First Party response to the grounds of appeal on behalf of the applicants.

- He provides details of the planning history of the site and notes that it has been in the Martin/Gorman family ownership for the past 50 years.

- The subject dwelling was originally a Council Cottage on approx. half an acre of garden, constructed early in the 20<sup>th</sup> century. Subsequent extensions were built to facilitate family living.
- They have regard to drainage and to Reg.Reg. 85/251 relative to the original and revised locations of the septic tank to serve the dwelling. They note that the applicant purchased additional lands to accommodate the septic tank.
- They provide that this additional area of garden will now facilitate the regularization of the septic tank installation by the removal of the existing septic tank and installing a pwwts and purposely designed percolation area. All works are to be carried out in compliance with the EPA Code of Practice.

#### *Response to the Appellant's Submission*

- The Appellant references an earlier matter in relation to an easement of a storm water drainage pipe passing from his property through the applicant's property and discharging to a drain at the edge of the public road. This matter was settled by a court agreement. The storm water drainage pipe is in situ and solely for the benefit of the appellant.
- The proposed replacement wastewater treatment system and percolation area is to service the applicant's dwellinghouse foul waste and waste water. This will serve to improve the existing foul drainage arrangement on site. It will have no adverse effect on the appellant's storm water drainage pipe.
- The installation of the proposed wastewater treatment system and designed percolation area will remove the existing septic tank, the subject of complaints by the appellant, and will be to the betterment of the subject property and consequentially to the appellant's adjoining property.

#### *Conclusion*

- The applicants have now reached a stage in their life where they wish to regularise the planning status of their home, and with the benefit of the enlarged garden bring the existing foul drainage arrangement on the property up to current environmental and planning standards.

- In upgrading the foul drainage system serving the applicant's home, this will alleviate risk of foul drainage contamination on the site, thus addressing the concerns of the appellant and his storm water drainage pipe.

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

Meath County Council's response notes that the Planning Authority are satisfied that all matters outlined in the appeal submission were considered in the course of their assessment of the planning application as detailed in the Planner's Report. The proposed development as presented is considered to be consistent with the policies and objectives as outlined within the MCDP 2013-2019 as varied. They ask the Board to uphold their decision.

## **7.0 Assessment**

### **7.1. Principle of Development and Planning Policy**

- 7.1.1. The subject cottage is located in the rural area and is in the buffer zone of the UNESCO World Heritage Site of Bru na Boinne, where as noted in the Meath County Development Plan and referred to in the Policy Section above, specific policies and objectives apply to require that all development does not compromise the setting of this Site. As per Policy CH POL 3 all development is subject to the Development Assessment Criteria set out in Section 9.6.7 and elsewhere in the Plan. This requires sensitively designed extensions where materials are appropriate to the site and its setting and the extensions are subordinate to the main dwelling.
- 7.1.2. This was originally a Council Cottage on approx. half an acre of garden, constructed early in the 20<sup>th</sup> century. The cottage while of traditional vernacular is not a protected structure. The First Party notes that these cottages were of limited capacity to accommodate families, particularly when measured against modern living standards. As with many family homes changes were made to accommodate family needs over time. Section 10.15 refers to Vernacular Rural Buildings including such traditional cottages. Policies seek to encourage and facilitate the appropriate refurbishment of existing housing stock in rural areas and to promote the viable re-use of vernacular dwellings without losing their character.

- 7.1.3. Section 11.2.4 of the Plan provides the criteria for assessing house extensions. This includes relative to high quality design and layout, retention of access and private open space, car parking and the adequacy of the sewage treatment and disposal facilities to be demonstrated by the applicant. The issue of drainage and the location of septic tank, percolation area, waste water treatment system are of particular concern in this application and regard is had to the issues raised by the Third Party.
- 7.1.4. Therefore, as noted above, the principle of a sensitively designed extension is acceptable relative to planning policy. However, an issue for consideration relative to a retention application is whether the works proposed for retention would have been granted permission in the first place. Regard is had to the development proposed for retention, the issues raised and to the proper planning and sustainable development of the area in the Assessment below.

## 7.2. Design and Layout

- 7.2.1. The floor plans submitted note that the floor area of the original 2 bed cottage was 59.62sq.m and of the extensions proposed for retention is 27.32sq.m. Therefore, the total floor area of the extended cottage is 86.67sq.m. The extensions for retention comprise a single storey rear extension of c.16.78sq.m and the sunlounge which appears as a later addition to the side c.10.54sq.m. Both extensions are single storey and I would consider subordinate to the main dwellinghouse.
- 7.2.2. The Council's Conservation Officer's comments are noted. He notes the sensitive setting of the site and recommends retention of the rear extension but that the sunlounge should either be removed or redesigned. He considers that the rear extension although a mediocre design is relatively inoffensive and does not dominate the cottage, however an opportunity has been missed to create a more appropriately designed extension. The sunlounge is a generic design and the scale is disproportionate to the original cottage, the pitch of the roof is different to the cottage and materials used are inappropriate.
- 7.2.3. However, while I would be of the opinion that neither extension enhances the original vernacular cottage, I would not consider that they dominate the cottage or detract from the setting. I also note they are in situ for some time and would not consider that they are so detrimental that retention permission should be refused. Also, it is

noted that while the sunlounge has taken up some of the side garden area, there is space for an onsite parking area. As noted in the Planner's Report, it appears that the extensions have been in place for some time and while unauthorised, are therefore considered to be statute barred from enforcement proceedings.

### **7.3. Access**

- 7.3.1. The access to the site from the N51 is existing. The Council's Transportation Section notes that this is a busy interurban route where the speed limit is 80kph. They recommended that the applicant be requested to demonstrate unobstructed sightlines in accordance with current standards and guidelines. They also provide that where works are required on lands outside the ownership of the applicant, consent should be submitted and the red line boundary amended to include these works.
- 7.3.2. On site I noted that this is a fast busy road and the entrance is located in an area with bad bends and warning signage. There is limited onsite parking within the curtilage and manoeuvring is somewhat restricted due to the siting of the sunlounge to the side of the cottage, roadside hedgerows, fencing outside the landholding and the bad bend on the road. However, this is a traditional vernacular cottage with long standing access. It is also noted that details have not been submitted to provide that the location of the access has been altered and it has not been included as part of the retention application.

### **7.4. Wastewater Treatment System**

- 7.5. Documentation submitted with the Third Party Appeal notes that there is an ongoing issue with drainage relative to the site, and this provides details of the planning history and notes that civil proceedings are ongoing in the courts. It is noted that this issue includes relative to the drainage pipes which as shown on the documentation submitted are within the adjoining Third Party lands to the west, but are also within the Applicant's site, with a manhole either side of the sunlounge and drainage pipes to the appellants property running underneath the sunlounge.
- 7.6. Onsite I also gained access to the adjoining Third Party lands and noted the various manholes thereon and the line of the drainage pipe, including the manholes on the

subject site either side of the sunlounge. It is noted that the Third Party lands are separated from the subject site, by locked gates and a high wire mesh fence.

- 7.7. I noted the location of the existing septic tank for retention on the subject site in the rear garden adjacent to the western site boundary and proximate to the line of the piping system for adjoining lands. The Third Party provides that at times there are issues with the applicant's septic tank and percolation area draining into his system and this causing problems for his drainage and environmental pollution.
- 7.8. It is noted that the Site Characterisation Report submitted in response to the Council's F.I request shows that the existing septic tank is to be decommissioned. This shows that location of a new 6PE O'Reilly Oakstown BAF wwts, polishing filter and percolation area. It is noted that the Third Party does not consider that this Report is accurate and also disputes (saying that it is higher) the level of the water table provided relevant to the percolation tests submitted. He considers Condition no. 3 of the Council's permission cannot be complied with.
- 7.8.1. Regard is had to the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10). Table 6.2 of this EPA Code of Practice provides the minimum depth requirements for on-site systems discharging to ground i.e.1.2m and at the base of polishing filter 0.9m.i.e minimum depth of unsaturated subsoil to bedrock and the water table. Table 6.3 provides an interpretation of percolation test results and "in cases where  $3 < P < 75$  the site may be suitable for a secondary treatment system and polishing filter at ground surface or overground if the soil is classified as Clay..." The 'T' and 'P' test values given are within this range.
- 7.8.2. It is noted that the area of the existing site is relatively small (c.700sq.m i.e 0.070ha as shown on the Site Layout Plan). As per the application form the water supply site is via the public mains, so the site is not serviced by a well. Table 6.1 provides the Minimum Separation Distances in Metres. This includes that a septic tank should be 7m from a dwellinghouse and 10m from the percolation area, 3m from the site boundaries and 5m from a surface water soakaway and 10m from watercourse/stream or open drain. The drawings submitted with the Site Characterisation Form 'Wastewater Design Layout' from Hydrocare Environmental Ltd shows that the distances given in Table 6.1 can be achieved with the proposed

pwwts. This is described as a proposal for a new replacement wastewater treatment system and percolation area.

- 7.8.3. The Site Layout Plan submitted with the application shows the approx. location of the septic tank granted under reg. ref. 85/251 and it is noted that this was not constructed. It also shows the location of the existing septic tank for retention from the altered location referred to (on the opposite side of the road).
- 7.8.4. The First Party response provides that under Reg.Ref. 85/251 permission for a septic tank was granted. However due to constraints on the site, following a transfer of a major part of the site many years before to the Appellant, the septic tank was proposed to be located in a field on the northern side of the public road. This location subsequently proved unachievable, and a septic tank was constructed as far as it was practicable in the remaining restricted rear garden of the subject property.
- 7.8.5. They note that the applicant subsequently purchased an additional piece of land to the east of the remaining original site; this additional area of garden will now facilitate the regularization of the original septic tank installation by the removal of the earlier constructed septic tank and installing a pwwts and purposely designed percolation area particular to this site and ground conditions. They provide that all works are to be carried out in accordance with the EPA Code of Practice: Wastewater Treatment Systems for Single Houses (2009).
- 7.8.6. I would consider this new proposal to be preferable to that originally proposed for retention, both relative to the Third Party concerns and to improvement of the impact on the environment. If the Board decides to permit I recommend that it be conditioned that the existing septic tank originally proposed for retention be decommissioned and removed from site and that the new proposed pwwts as shown on the plans submitted with the Site Characterisation Report be installed in accordance with current standards.

## 7.9. **Other issues.**

- 7.9.1. As noted there is information submitted by the Third Party and in the First Party response relative to drainage, issues of access, to the location of pipes, manholes, easement entitlement etc. The issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the

Planning and Development Act: “*A person shall not be entitled solely by reason of a permission under this section to carry out any development*”. Under Chapter 5.13 ‘Issues relating to title of land’ of the ‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states, inter alia, the following: “*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*”

7.9.2. Another issue is the time period that has elapsed since the unauthorised works were carried out. Regard is had to Section 157(4)(a) of the Planning and Development Act 2000 (as amended) which provides: *No warning letter or enforcement notice shall issue and no proceedings an offence under this Part shall commence – (i) in respect of a development where no permission has been granted, after seven years from the date of the commencement of the development. Section 157(5) notes that: Proceedings for other offences under this Act shall not be initiated later than 7 years from the date on which the offence concerned was alleged to have been committed.*

7.9.3. In this respect it would appear that having regard to the legislation, while the works proposed for retention are unauthorised and do not have the benefit of planning permission, that the time period has elapsed for enforcement proceedings under the Act to be carried out. However, it must be noted that enforcement proceedings are in the remit of the Council and not within the remit of the Board.

#### 7.10. **Screening for Appropriate Assessment**

7.10.1. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential and agricultural development in the intervening distance, I am of the 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. I recommend that permission be granted for the Retention of the development subject to the conditions below.

## 9.0 Reasons and Considerations

Having regard to the existing dwelling house on site and to the established residential use, and to the defined and limited nature and scale of the development for which retention is sought, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development for which retention is permitted relates solely to the extensions to the existing dwellinghouse which shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 13th day of March 2019, and the plans and particulars received by An Bord Pleanála on the 23<sup>rd</sup> of May 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2.a) Within 3 months of the date of this Order the existing septic tank and percolation area shall be decommissioned and removed from site.
- b) The proposed treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning

authority on the 13th day of March, 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.

- c) 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.
- d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the date of the installation of the system 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.
- e) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- f) Within three months of the date of this Order, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the existing system has been removed from site and the proposed 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 EPA document.

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

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of

development.

4. During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

**Reason:** In the interests of traffic safety.

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Angela Brereton  
Planning Inspector

31<sup>st</sup> of July 2019