



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310967-21

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<b>Development</b>	Decommission an existing septic tank system and to install a new proprietary wastewater treatment system to serve an existing dwelling
<b>Location</b>	Inchildrisla, Kilgobnet, Dungarvan, Co Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	21469
<b>Applicant(s)</b>	Liam and Ailish Hansbury
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Rosie Dobbins & Tommy Hallinans
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> October 2021
<b>Inspector</b>	Ian Boyle

## 1.0 Site Location and Description

- 1.1. The appeal site has an address at Kilgobnet, Dungarvan, Co. Waterford, X35 TE28. It accommodates an existing detached dwelling and garage. Access to the property is via an entrance on Inchindrisla Wood Road (Local Road – L3003), which is to the south. The site is approximately 4.8km metres north of Dungarvan town centre.
- 1.2. The site generally slopes downwards, from north to south, and there are mature trees and hedgerows present along parts of the site perimeter, including on the southern boundary of the site, which is along Inchindrisla Wood Road. The character of the surrounding area is mainly agriculture, forestry, and low-density rural housing.
- 1.3. Colligan Forest is located to the north and west. Saint Gobnait's Church is situated roughly 250m to the east. The site has a stated area of approximately 0.35ha.

## 2.0 Proposed Development

- 2.1. The proposed development is for the decommissioning of an existing septic tank system and installation of a new proprietary wastewater treatment unit and polishing filter to serve an existing dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority granted permission on 13<sup>th</sup> July 2021, subject to 3 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The proposed relates to an upgraded wastewater treatment system to serve an existing dwelling which would improve the existing situation.
- The Planner's Report refers to the trial hole testing and notes the Site Characterisation Form that accompanied the application. The information

identifies the onsite well and that the new wastewater system would be in excess of the minimum separation distances according to the relevant EPA Code of Practice (CoP).

- The Applicant no longer intends to construct a previously permitted dwelling on the site (Reg. Ref. 18/374) and instead plans to construct a new dwelling in a different location, which is to the west of the existing house (Reg. Ref. 21/468).
- The Planner's Report states that whilst the application for the proposed dwelling had not been decided at the time of writing their report, it was noted that the proposed development – i.e. the decommissioning of an existing septic tank and installation of a new wastewater treatment system – would not be reliant on a grant of permission being issued for the new house.
- A grant of permission was recommended, subject to conditions.

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

None.

### **3.4. Prescribed Bodies**

None.

### **3.5. Third Party Observations**

A third party observation was received by the Planning Authority, which was made by a resident in the area.

- The main issues were in relation to the proposed construction of houses on the appeal site, for which other, separate applications have been made to the Planning Authority.
- The observation raised concerns that the site could potentially become a mixed-use development of three residential properties and a commercial unit, and that the design of a bungalow is out of character with the local area.

- In relation to the subject proposal, the observation stated that the septic tank is too close to their boundary and that this would impact their plans to source water due to potential contamination. The proposed development is not suitable as it would restrict potential to source groundwater in the future.
- The observation also requested that an enurement clause be placed on any grant of permission issued.

## 4.0 Planning History

Reg. Ref. 21/468: On 16<sup>th</sup> August 2021, permission was granted for the construction of a new dwelling on the subject site.

Reg. Ref. 18/374: On 16<sup>th</sup> August 2018, permission was granted for the construction of a dormer style dwelling, a new entrance and the installation of a proprietary wastewater treatment unit and to carry out all associate site works

Reg. Ref. 17/702: On 19<sup>th</sup> April 2018, permission was refused for the construction of a dormer style dwelling, installation of proprietary wastewater treatment system and associated site works. The stated reasons for refusal were that the proposed development would cause a traffic hazard due to inadequate visibility and sightlines, and that the proposed dwelling would detract from scenic routes in the area.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is zoned 'Agriculture' under the Waterford County Development Plan 2011-2017 (as extended) ('Development Plan') which seeks *"to provide for the development of agriculture and to protect and improve rural amenity"*.
- 5.1.2. The site is subject to the 'Scenic Route' Classification as per the Scenic Landscape Evaluation (Appendix A9 of the Development Plan). The policy states that *"the onus should be on the applicant for permission to develop in the environs of a scenic route, to demonstrate that there will be no obstruction or degradation of the views towards visually vulnerable features nor significant alterations to the appearance or character of sensitive areas"*.

5.1.3. Table 10.3 'Minimum Standards for Individual Homes in Rural Areas' states the following in relation to wastewater:

*Refer to the EPA Code of Practice on wastewater treatment for single houses.*

*50<T-value<10 indicates that the site is unsuitable for development of any on-site domestic effluent treatment system discharging to ground.*

*For new builds, the effluent treatment system (including septic tank and percolation/filtration system) should be located as shown hereunder:*

- *minimum of 30m from a private ground water source that is up-gradient of the effluent treatment system;*
- *minimum of 100m from a private ground water source that is down-gradient of the effluent treatment system; and*
- *minimum of 18m from any dwelling.*

## 5.2. National Policy

- *Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10), 2009.*

## 5.3. Natural Heritage Designations

No designations apply to the subject site.

The nearest European Site is 'Dungarvan Harbour Special Protection Area' (SPA) (Site Code: 004043), which is located approximately 1.6km to the south.

The 'Glendine Wood Special Area of Conservation' (SAC) (Site Code: 002324) is approximately 3.5km to the east.

The 'Blackwater River (Cork/Waterford)' Special Area of Conservation (SAC) (Site Code: 002170) is approximately 6.2km to the west.

The 'Comeragh Mountains Special Area of Conservation' (SAC) (Site Code: 001952) is approximately 6.3km to the north.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A Third Party Appeal was received from a resident in the local area. This is the same party that submitted an observation to the Planning Authority.
- 6.1.2. The main grounds of appeal generally reiterate the concerns raised in the third party observation lodged with the Council. The Appellant further raises concerns in relation to traffic, environmental impact, that the intensity of development on the site is leading to it becoming more suburban, and that the proposed septic tank is located too close to their property

### 6.2. Applicant Response

The Applicant lodged an Appeal Response on 23<sup>rd</sup> August 2021, which includes the following main points:

- The proposed wastewater treatment system and polishing filter will be installed in accordance with the manufacturer's specifications; and the requirements of the Waterford County Development Plan 2011-2017 (as amended), including its relevant development management standards.
- The Appellant mainly raises issues in relation to a separate planning application, which is Reg. Ref. 21/468, and which are unrelated to the proposed development that is the subject of this appeal.
- The Applicant provides a response in relation to the concerns raised by the Appellant in relation to the Reg. Ref. 21/468.
- The Appeal Response includes the technical specifications of the proposed wastewater treatment system, which is a package treatment plant with tertiary treatment capabilities (Appendix A); an extract of the Development Plan, which is Table 10.3 'Minimum Standards for Individual Homes in Rural Areas (Appendix B); a copy of the Council's Notification of Decision to Grant Permission for Reg. Ref. 21/468 (a new dwelling on the site) (Appendix C); and the Proposed Site Layout Plan for the proposed development, which is a new wastewater treatment system (Appendix D).

### 6.3. Planning Authority Response

- None.

## 7.0 Assessment

The main planning considerations relevant to the assessment of this appeal are:

- Wastewater
- Other development on the site
- Appropriate Assessment

### 7.1. Wastewater

- 7.1.1. It is proposed to replace the existing wastewater treatment system with an improved, packaged wastewater treatment system and polishing filter. A Site Characterisation Form was submitted with the planning application and I have had regard to same.
- 7.1.2. I note that the EPA Code of Practice (2021) applies to site assessments and associated wastewater treatment installations carried out on or after 7<sup>th</sup> June 2021. The 2009 Code of Practice for Waste Water Treatment and Disposal System Serving Single Houses (i.e.  $\leq 10$ ) may, however, be used for site assessments and associated installations commenced before 7<sup>th</sup> June 2021, or where planning permission has been applied for before that date. This is as per the Explanatory Letter issued by the EPA in March 2021, which included for a transition period between the 2009 and 2021 Codes of Practice.
- 7.1.3. As the application for the proposed development was made on 21<sup>st</sup> May 2021, the 2009 Code of Practice is acceptable to be used in the assessment of the proposed development, and this is the CoP used by the Applicant.
- 7.1.4. The Geological Survey Ireland (GSI) confirms that the groundwater body for this area lies on the northern slopes of the valley extending west from Dungarvan. The area is located at the steep drop from around 150m to 25m OD over a distance of about 400m. This change in topography is directly linked to the underlying geology. The GSI online mapping system shows that the site is located within an area that has an aquifer category of 'Regionally Important – Fissured Bedrock', and with a

vulnerability described as 'Rock at or near Surface or Karst (X)'. This represents a GWPR of R2<sup>2</sup> under the EPA Code of Practice (2009).

- 7.1.5. According to the Response Matrix (Table B.2. of the CoP), onsite treatment systems are acceptable, subject to normal good practice and conditions relating to a minimum thickness soil/subsoil beneath the invert percolation trench of the wastewater treatment system.
- 7.1.6. The Site Characterisation Form submitted with the application confirms that a trial hole was dug at a depth of 2.1m on the site and that bedrock was met at a depth of 0.3m. The water table was not encountered. A visual assessment of the site confirmed that the results are consistent with the conditions described in the Form.
- 7.1.7. A T-value of 1.44 was found which is in the category  $T < 3$ . The CoP states that the retention time in the subsoil is too fast to provide satisfactory treatment and the site is unsuitable for a secondary-treated on-site domestic wastewater system.
- 7.1.8. However, the CoP also states that if effluent is pre-treated to tertiary quality, then the site will be hydraulically suitable to assimilate this hydraulic load. A P-test should be undertaken to determine whether the site is suitable for a secondary treatment system with a polishing filter at ground surface or overground.
- 7.1.9. The P-Test result is shown on the Site Characterisation Form as 8.75, which demonstrates that the topsoil is suitable to perform as part of a polishing filter if installed with a secondary treatment system. Section 5.0 of the Form states that the proposal seeks to install a packaged wastewater treatment system with a polishing filter system (2 no. Puraflo packaged polishing filter modules), which indicates that the proposed wastewater treatment system would be suitable for the site.
- 7.1.10. The CoP (Table 6.1) and Development Plan (Table 10.3) specify minimum setback distances from various sensitive receptors and key features, so that a new effluent treatment system can safely discharge to ground. This includes from private groundwater sources, surface water soakaways, watercourses, drains, dwellings, etc. The application documentation identifies that there is a private well on the site, which is approximately 58m upgradient from proposed wastewater treatment plant. There is also a proposed borewell 30m to the west and there are no dwellings within 18m of the plant. The nearest site boundary is 13.3 metres, which is to the north.



- 7.1.11. The CoP (Table B.3) also includes recommended minimum distances between receptors and the percolation area or polishing filter, which the proposal is in accordance with. In relation to potential impact on the Appellant's property, I note that there are no requirements in the EPA CoP, or Development Plan standards, that require the consideration of potential, future intentions to draw water from groundwater sources. In any case, the minimum separation distance between the treatment plant and the site boundaries required by the CoP – which is 3m – is met.
- 7.1.12. Table 10.1 of the CoP sets out the minimum soil polishing filter area for a five-person house. The CoP states that where the P-value is between 3-20 – in this case it is 8.75 – the area required for five persons is equal or greater than 37.5sqm. Having viewed the application documentation, including the Proposed Site Layout Plan, there is no information that confirms the location or size of the proposed discharge area. I note, however, that there is adequate space onsite to accommodate this minimum area and that, subject to compliance with the relevant EPA Code of Practice, the proposed wastewater treatment plant could be readily accommodated onsite.
- 7.1.13. In summary, I acknowledge the groundwater vulnerability for the site is classed as 'Rock at or near Surface or Karst (X). However, given the demonstrated suitability of the site for the type of wastewater treatment plant that is proposed here, I consider that the proposed development is acceptable.
- 7.1.14. I further note that the new proprietary wastewater treatment unit and system would comprise an upgrade to an existing septic tank that is already operating onsite. I do not, therefore, consider that the proposed development would present a significant risk to groundwater pollution or be prejudicial to public health.
- 7.1.15. Having regard to the above, I am satisfied that it has been demonstrated that the site can accommodate the proposed proprietary wastewater treatment plant and that permission should be granted.

## **7.2. Other development on the site**

- 7.2.1. The Appellant raises concerns in relation to various, previous applications on the site, including proposed dwellings and a commercial use, and cites potential for negative impacts, including on residential amenity, and traffic and transport.

7.2.2. The Applicant also provides information in their Appeal Response that seeks to address these concerns. However, I am satisfied that these are issues that are unrelated to this appeal case, which is for the decommissioning of a septic tank and its replacement with a new proprietary wastewater treatment unit and polishing filter to serve an existing dwelling, and do not require assessment.

### **7.3. Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the proposed development, which is to decommission an existing septic tank system and to install a new proprietary wastewater treatment system to serve an existing dwelling, and which would present no significant risk of groundwater pollution, no Appropriate Assessment issues arise. I note also that the new proprietary wastewater treatment system would be an improvement on the existing septic tank that is already operating on the site. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Waterford County Development Plan 2011-2017 (as extended), including Table 10.3 'Minimum Standards for Individual Homes in Rural Areas'; the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10), 2009; the nature, design, and location of the proposed development; and type of development in the surrounding vicinity; it is considered that, subject to compliance with the conditions set out below, proposed development would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 21<sup>st</sup> May 2021 except as may otherwise be required in order to comply with the following conditions.</p> <p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on 21<sup>st</sup> May 2021, 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.</p> <p>(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.</p> <p>(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 dwelling house 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.</p> <p>(d) 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.</p> <p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and</p>

	<p>is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p>
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Ian Boyle  
Planning Inspector

15<sup>th</sup> December 2021