



An
Bord
Pleanála

Inspector's Report ABP 311757-21.

Development	Renovate and extend existing dwelling with new attached garage, treatment unit, sand polishing filter and all associated site works to facilitate this development.
Location	Derreenaclaurig, Sneem, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	21/895
Applicant	John O'Neill
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	John O'Neill
Observers	None
Date of Site Inspection	20 th of January 2022
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Derreenaclarig, Co. Kerry, c.2.7km north-east of Sneem. The MacGillycuddy's Reeks Mountain range is situated to the north and site lies within the foothills. The upland area to the east of the site has a peak height of 270m.
- 1.2. The site is access via a local road which is access off the N70 to the south. There are a number of existing dwellings located along the local road to the south of the site. There is a dwelling circa 7m to the south of the site and a shed is located 6m to the east of the site lies.
- 1.3. The site with a stated area of c.0.514 hectares contains a detached cottage with an area of circa 82sq m.

2.0 Proposed Development

- 2.1. Permission is sought to renovate and extend existing dwelling with new attached garage, treatment unit, sand polishing filter and all associated site works to facilitate this development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission for the following reason;
 1. Based on the information submitted and having regard to the soil conditions on site, the Planning Authority is not satisfied that the effluent arising from the proposed development could be adequately disposed of on site and could result in a risk of environmental pollution. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- The report of the Planning Officer stated that the principle of the proposal was considered acceptable. It was also stated in the report that there were no issues in relation to visual amenity and vehicular access. A refusal of permission was recommended based on the refusal recommended by the Site Assessment Unit of the Environment Department in relation to effluent treatment and disposal proposals.

3.2.2. Other Technical Reports

3.2.3. Site Assessment Unit – Environment Department: A refusal of permission is recommended. The site has failed the site characterisation process (failed T-Test). This would suggest that, in the event of the proposed development proceeding, there is a distinct risk of environmental pollution arising, particularly a risk of effluent ponding on-site.

3.2.4. County Archaeologist: No mitigation required.

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

- None

4.0 **Planning History**

- None

5.0 **Policy Context**

5.1. **Kerry County Development Plan 2015-2021**

5.1.1. In terms of Rural Settlement Policy, the site is located in an area designated as Rural General. Rural landscapes within this designation generally have a higher capacity to absorb development than the previous rural designations. It is important that

development in these areas be integrated into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.

5.1.2. Section 3.3.1 includes the following objectives in relation to rural housing.

RS-1 Ensure that future housing in all rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG) and the Development Guidance document of this Plan.

RS-2 Require the design of rural housing to have regard to the “Building a House in Rural Kerry; Design Guidelines” (KCC, 2009).

RS-3 Give favourable consideration to the sustainable development of permanent places of residence on vacant sites within existing cluster developments.

RS-4 Ensure that the provision of rural housing will protect the landscape, the natural and built heritage, the economic assets and the environment of the County.

RS-5 Ensure that future housing in all rural area complies with the EPA’s 2009 Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e < 10).

RS-6 Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence. In addition such development shall be subject to the inclusion of an occupancy clause for a period of 7 years.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not within a designated area, The closest such site is the Kenmare River Special Area of Conservation (Site Code 002158) which is to the south and west of the site and at its closest within approximately 1.7km to the west of the site. Blackwater River Special Area of Conservation (Site Code 002173) lies circa 4.6km to the north-east. Killarney National Park, Macgillycuddy’s Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) is situated to the north and west of the site and at its closest within approximately 5.2km to the west of the site.

5.3. EIA Screening

- 5.3.1. 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 first party appeal has been submitted by B&J Rochford Architectural, Engineering & Planning Consultants on behalf of the applicant John O'Neill. The issues raised are as follows;

- The Planning Authority refused permission for the following reason;
 1. Based on the information submitted and having regard to the soil conditions on site, the Planning Authority is not satisfied that the effluent arising from the proposed development could be adequately disposed of on site and could result in a risk of environmental pollution. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
- It is submitted that the fact that there is an existing dwelling on site has not been given sufficient credit when the Planning Authority decided upon the application. It is stated that as there is an existing dwelling that the proposal would provide a significant environmental gain.
- It is acknowledged in the appeal that the soil conditions on site are not ideal. It is stated that existing properties are limited in the scope of works that can be achieved on a limited site.

- The proposals would limit the possibility of pollution through the use of a secondary treatment unit, tertiary treatment via a sand polishing filter and UV filtration which will reduce faecal coliform levels by 99%.
- It is stated that it has been common practice by Kerry County Council when assessing wastewater treatment issues on existing sites to accept best achievable solution and overall environmental gain. It is submitted that the best achievable solution and overall environmental gain has been proposed under this application.
- The proposed design while increasing the footprint of the building is only providing one additional bedroom for a total population equivalent of 6. It is considered that the improvements to the existing septic tank proposed greatly outweigh the impact of one additional bedroom.
- The proposed development refers to an existing dwelling which it is intended to return to its former state while also improving the environmental impact with the installation of a new effluent treatment system.
- The house has been neglected over the last number of years after the applicant inherited the property from his uncle. It is the applicant's intention to renovate and extend the property to retire back to the family land holding.

6.2. **Planning Authority Response**

- None received

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of the appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Effluent treatment and disposal
- Appropriate Assessment

7.1. Effluent treatment and disposal

- 7.1.1. The existing dwelling on site has a floor area of circa 82sq m. The proposed development would result in a dwelling with a floor area 181sq m. It is proposed to install a new effluent treatment system with sand polishing filter and all associated site works.
- 7.1.2. The dwelling on site is served by an existing septic tank located circa 7m to the south-west of the dwelling. It is proposed to install a Tricel Novo wastewater treatment plant with a Sandscel sand polishing filter which provides primary treatment and secondary treatment. It is proposed to dispose of treated effluent via a polishing filter to groundwater. It is necessary to review the available information in order to ascertain if the subject site is suitable for the disposal of treated effluent to ground. The EPA 2021 Code of Practice – Domestic Waste Water Treatment Systems, (Population Equivalent ≤ 10) provides guidance on the site characterization, design, operation and maintenance of domestic waste water treatment systems.
- 7.1.3. The polishing filter is located on the Proposed Site Layout, Drawing No: 04-056-002 22.3m to the north-east of the dwelling and uphill. Regarding water supply a bored well is proposed on site circa 9m to the south-west of the dwelling and 55m from the soil polishing filter and 40m from the proposed waste water treatment plant. Table 6.2 of the EPA Code of Practice – Domestic Waste Water Treatment Systems sets out the minimum separation distances required from the entire domestic waste water treatment system (DWWTS). The minimum distance from a domestic well to the DWWTS is stated as 25m and 15m if the domestic well is up-gradient. The minimum distance from a watercourse or stream to is stated as 10m and the minimum distance from a road is stated as 4m. In relation to this I note that the DWWTS would be located 46m from the road to south. Regarding the proximity of watercourses as detailed on the site characterisation form, I note that there are none within 250m.
- 7.1.4. The site is located in an area identified with a “Extreme” vulnerability classification in the GSI Groundwater maps and is located within area defined “Locally Important” Aquifer category, representing a Groundwater Protection Response of R2¹ under the EPA Code of Practice Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021) (Annex E).

- 7.1.5. The trial hole had a depth of 1.8m and the assessment submitted by the applicant indicates that bedrock was encountered at this depth. The watertable was encountered at a depth of 1.4m.
- 7.1.6. The submitted site characterisation records provides details of the testing carried out on site. Subsurface percolation testing was carried out and a T-test value of 47.71 was recorded. Surface percolation testing was also carried out and a P value of 11.75 was recorded. As detailed in the site characterisation form the T test was deemed to have failed as some test holes were found to have water from pre-soak. It was also concluded that the P test was deemed to have failed as water was found in the three holes following pre-soaking. Given the test values recorded on site and the depth that the watertable was encountered and the presence of presence of water remaining in the trial holes means that sufficient percolation of the effluent may not occur prior to its discharge to groundwater.
- 7.1.7. The Planning Authority refused permission on the basis that having regard to the soil conditions on site, that they were not satisfied that the effluent arising from the proposed development could be adequately disposed of on site and therefore could result in a risk of environmental pollution.
- 7.1.8. In response to the refusal issued it is stated in the appeal that they consider that the location of the existing dwelling on the site has not been given sufficient credit by the Planning Authority when deciding upon the application. The first party submit that the proposal would provide a significant environmental gain, however they acknowledge that the soil conditions on site are not ideal. They submit that the proposal would limit the possibility of pollution through the use of a secondary treatment unit, tertiary treatment via a sand polishing filter and UV filtration which will reduce faecal coliform levels by 99%. In relation to the proposed extension to the dwelling it is stated in the appeal that it only provides one additional bedroom with a total population equivalent of 6.
- 7.1.9. Regarding the proposed extension to the dwelling, I note that the existing dwelling has a floor area of circa 82sq m. The proposed area of the extension is circa 100sq m. Accordingly, the proposed development would more than double the size of the property.

7.1.10. Having regard to the results of the subsurface percolation testing and surface percolation testing and specifically the presence of water remaining in the trial holes, I would conclude that the site conditions are not suitable to enable a suitable percolation rate to provide for the proposed on-site effluent treatment. Furthermore, I note the sensitivity of the groundwater resource which is identified with a “Extreme” vulnerability classification in the GSI Groundwater maps. Accordingly, on the basis of the submissions made in connection with the application and appeal I am not satisfied that the applicant has demonstrated that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. Therefore, I am not satisfied that the proposed development would not pose an unacceptable risk of pollution of groundwater and surface water resources.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the development and distance from a European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a refusal of permission for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the conditions pertaining on site, Board is not satisfied, on the basis of the submissions made in connection with the application and appeal, that the proprietary effluent treatment system and raised polishing filter proposed to serve the proposed extended dwelling is adequate to treat effluent arising from the proposed development in a manner that would not give rise to the risk of pollution to surface water and/or ground water. The proposed development would, therefore, be prejudicial to public health.

Siobhan Carroll
Planning Inspector

22nd February 2022