



An
Bord
Pleanála

Inspector's Report

ABP-313150-22

Development	Installation of replacement wastewater treatment system to serve existing house.
Location	Derryfadda, Kealkill, Bantry Co. Cork.
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	2200006
Applicant(s)	Jan Sluimers
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Danny McCarthy
Date of Site Inspection	25 th May 2022
Inspector	Liam Bowe

1.0 Site Location and Description

1.1. This appeal relates to a rural site of 0.52 hectares located approximately 3.7km to the northeast of Kealkill village and 12.3km to the northeast of Bantry town in County Cork. The site is located in a rural area which is characterised by farmland with a number of one-off houses. The site is accessed by means of a laneway off a local road. The site is well below the level of the public road and has mature boundaries on all sides. There is an existing two-storey house with an associated domestic shed on the appeal site. The existing septic tank that serves the house is located in an agricultural field to the southwest and outside of the appeal site / site edged red. The Owenbeg River is located approximately 150m to the west of the site. There is a house and associated farmyard approximately 150m to the south.

2.0 Proposed Development

2.1. The proposed development comprises the installation of a replacement wastewater treatment system to serve an existing house at Derryfadda, Kealkill, Bantry, Co. Cork.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated 4th March 2022 Cork County Council issued a notification of decision to Grant Permission for the proposed development subject to 5 no. conditions. Of note is the following condition:

Condition No.5: The applicant shall be required to engage the services of a qualified archaeologist to monitor ground works associated with the development.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer outlines the relevant planning policy under the Cork County Development Plan 2014, notes the objections received and

recommends a grant of permission consistent with the notification of decision which issued.

Appropriate Assessment Screening was carried out and concluded that there was no likely potential for significant effects to any Natura 2000 site.

3.2.2. **Other Technical Reports**

Area Engineer: No objection. Conditions recommended.

County Archaeologist: No objection. Condition recommended.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

A submission was received from Danny McCarthy. The issues raised are generally similar to those referenced in the grounds of appeal. These include concerns regarding underground water quality.

4.0 **Planning History**

4.1. There is no planning history on the appeal site referenced in the report of the Planning Officer.

4.2. **Adjacent site to the south:**

P.A. Ref. No.19/715: Permission granted for a house for John McCarthy.

5.0 Policy Context

I draw the Board's attention to the adoption of the Cork County Development Plan on 25th April 2022, which came into effect as the statutory plan for the county on 6th June 2022.

5.1. Cork County Development Plan 2022-2028

The site is located in the open countryside within Co. Cork.

Section 5.6 of the Plan deals with Environmental and Site Suitability Requirements and states:

Objective RP 5-23: Servicing Single Houses (and ancillary development) in Rural Areas

- a) Ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) and Wastewater Treatment Manual - Treatment Systems for Small Communities, Business Centres, Leisure Centres and Hotels (1999), or relevant successor approved standards / guidelines (including design, installation and maintenance). The cumulative impact of such systems will also be considered in the assessment process.
- b) Surface water should be disposed of using sustainable drainage systems and in a manner that will not endanger the receiving environment or public health. The use of permeable paving should also be considered to reduce run off.

Section 16.2 of the Plan deals with Archaeological Heritage.

Objective HE 16-2: Protection of Archaeological Sites and Monuments

Secure the preservation (i.e., preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally.

Objective HE 16-5: Zones of Archaeological Potential

Protect the Zones of Archaeological Potential (ZAPs) located within historic towns, urban areas and around archaeological monuments generally. Any development within the ZAPs will need to take cognisance of the upstanding and potential for subsurface archaeology, through appropriate archaeological assessment.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within any designated site. The closest Natura 2000 site is Derryclogher (Knockboy) Bog SAC (Site Code: 001873) which is located approximately 3.8km to the west / northwest of the appeal site. Glengarriff Harbour and Woodland SAC (Site Code: 000090)) is located approximately 11.7km to the southwest of the appeal site.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and separation from sensitive environmental receptors, I am satisfied that no likely significant impacts on the environment arise from the proposed development and that the carrying out of an EIA is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are submitted by Danny McCarthy, Derryfadda, Kealkill, Bantry, Co. Cork, resident of the house to the south of the appeal site. The main points made can be summarised as follows:
- Contends that treated effluent will reach his well and contaminate it.
 - Queries the pre-soaking of trial holes on a certain day and the carrying out of percolation tests on the following day, and notes that a digger was only present on one of these days.

6.2. Applicant Response

6.2.1. DMCA Consulting Engineers responded to the appeal on behalf of the First Party.

The main points made can be summarised as follows:

- Outlines the history of the existing wastewater treatment system, its location, reason for proposing a new system, and justification for new location.
- Contends that the proposal will lead to the abandonment of the existing wastewater treatment system, increased separation distances from wells / houses, and tertiary treatment of wastewater, all of which are in the appellant's interests.
- States that the proposed separation distances from the appellant's well will be 90m and 112m from the treatment plant and polishing filter, respectively, both well in excess of minimum requirements.
- Highlights that the excavator was only required to be on site for the digging and backfilling of the trial holes and that it would be unusual to have it on site for the duration of the site suitability assessment.

A map is included with the response indicating groundwater flow direction and separation distances between existing septic tank / proposed treatment plant / proposed polishing filter and the location of the neighbouring well.

6.3. Planning Authority Response

The Planning Authority re-affirms its decision to grant permission for 'what is simply a replacement wastewater treatment system to serve the existing longstanding dwellinghouse'. It is also stated that the standard of treatment will be much higher than the existing level of treatment.

7.0 Assessment

I consider that the main issues in the assessment of this appeal are as follows:

- Wastewater treatment and disposal
- Other issue
- Appropriate Assessment

7.1. Wastewater treatment and disposal

- 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. The GSI online mapping system shows that the site is located within an area that has an aquifer category of 'Locally Important – Bedrock which is Moderately Productive only in Local Zones', and with a vulnerability described as 'Extreme'. This represents a GWPR of R2¹ under the EPA Code of Practice (2021). According to the Response Matrix (Table E1 of the CoP), onsite treatment systems are acceptable and, where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock and the likelihood of microbial pollution is minimised.
- 7.1.3. The Site Characterisation Form submitted with the application confirms that a trial hole was dug at a depth of 1.8m on the site and that bedrock was met at a depth of 1.8m. The water table was encountered at a depth of 1.3m. T-values of 30.22 (subsurface) and 10.56 (surface) were found which, combined with the trial hole results, indicates that a conventional septic tank and percolation area may be suitable. However, given the site area constraints and proximity of the well on-site, the First Party is proposing both secondary (peat filter) and tertiary (gravel bed) treatment.
- 7.1.4. The CoP (Table 6.2) specifies minimum setback distances from various sensitive receptors and key features, so that a new effluent treatment system can safely discharge to ground. This includes distances from private groundwater sources, surface water soakaways, watercourses, drains, houses, etc. The application

documentation identifies that there is a private well on the appeal site, which is approximately 45m downgradient from proposed polishing filter. The appellant's well is located 112m from the proposed polishing filter and 90m from the proposed treatment plant.

- 7.1.5. In relation to potential impact on the Appellant's well, I note the requirements in the EPA CoP and the details submitted by the First Party and I am satisfied that the minimum required separation distance between the treatment plant / polishing filter and both the on-site and neighbouring wells are achieved.
- 7.1.6. I note the Appellant's observations about the digger used to carry out the excavations for the trial hole and percolation tests being on site for only one day. I further note the First Party's response to this stating that the digger was only required to be on site for the digging and backfilling of the trial holes and that it would be unusual to have it on site for the duration of the site suitability assessment. I am satisfied that this is the case and that a digger would not be required to be present for the duration of the site suitability assessment.
- 7.1.7. In summary, I acknowledge the groundwater vulnerability for the site is classed as 'Extreme'. However, given the demonstrated suitability of the site for the type of wastewater treatment plant that is proposed herein, I consider that the proposed development is acceptable. 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 adjacent to the site. I do not, therefore, consider that the proposed development would present a significant risk to groundwater pollution or be prejudicial to public health.
- 7.1.8. 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 issue

Archaeology

- 7.2.1. I note Cork County Council's archaeologist's report identifying the proposed development to be within the Zone of Archaeological Potential around a national monument (CO092-055 *Souterrain*). Accordingly, I have examined the National Monuments Service (NMS) maps for records of monuments and places of archaeological interest. This clearly identifies the aforementioned recorded monument on the appeal site. This archaeological zone of influence is clearly presented on the NMS's digitised map and extends over almost the entirety of the appeal site.
- 7.2.2. Cork County Council's policy in this regard is outlined in Section 5.1 above and objectives for the protection and preservation of the archaeological heritage of the county are clearly enunciated under Objectives HE 16-2 and HE 16-5. Consequently, I consider it necessary to include an archaeological condition for monitoring per Cork County Council's archaeologist's recommendation. With these mitigation measures, I consider that with it can be concluded that the proposed development would not have an adverse impact on the archaeological heritage of the area and the proposed development would be consistent with these objectives.

7.3. **Appropriate Assessment**

- 7.3.1. Having regard to the nature and scale of the development proposed and the absence of any direct or indirect pathway between the appeal site and any European site and the separation distances to the nearest European sites ((Derryclogher (Knockboy) Bog SAC (Site Code: 001873) and Glengarriff Harbour and Woodland SAC (Site Code: 000090)), 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**

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022- 2028; the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021; the nature, design, and location of the proposed development; and the type of development in the surrounding vicinity; it is considered that, subject to compliance with the conditions set out below, the 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 in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: 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 the 10th day of January 2022, and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021. 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 its installation</p>

	<p>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 soakaways 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 installation of the treatment system, 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 EPA document.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>

Liam Bowe
Planning Inspector

28th June 2022