



An
Bord
Pleanála

Inspector's Report

ABP-313169-22

Development	Retain existing dwelling house with existing treatment plant and percolation area.
Location	Ballynalug, Rosenallis, Clonaslee, Co. Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2214
Applicant	Angela Keegan
Type of Application	Retain
Planning Authority Decision	Grant retention
Type of Appeal	Third Party
Appellants	Michael Wood & Danusia Oslizok
Date of Site Inspection	16 th June 2022
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in the townland of Ballynalug, Rosenallis, Clonaslee, Co. Laois, in the foothills of the Slieve Bloom Mountains, approximately 3 kilometres south-east of Clonaslee, on a local road south of the regional road between Clonaslee and Rosenallis.
- 1.1.2. The site location is within the Clonaslee source protection zone.
- 1.1.3. A small gable-ended two storey, chalet-style dwelling has been erected on the site. Scaffolding is still in place. No construction work was in evidence on the date of inspection.
- 1.1.4. The site is given as 0.27ha.
- 1.1.5. There is an appeal currently before the Board in respect of the adjoining site to the south, 313167.
- 1.1.6. The subject site together with 313167 were previously the subject of a permission for the erection of a dwelling with treatment plant and percolation area, new bored well and construct an agricultural shed, ref 19/628.

2.0 Proposed Development

- 2.1.1. The proposed development is the retention of the dwelling house with existing treatment plant and percolation area; and retain existing site entrance gate.
- 2.1.2. A letter from the applicant, accompanying the planning application, refers to her disability, awaiting a knee replacement, and that the house will provide accommodation to meet all elderly and wheelchair accessibility needs.
- 2.1.3. The plans, shown on drawing no 330-1B-02, are for a gable fronted dormer dwelling with a total floor area 92.6 sq m: 57.2 sq m at ground floor with an open plan dining kitchen and sitting area and a stairway, which occupies most of the floor area, and a utility area and bathroom; at first floor there is a bedroom, bathroom and treatment room (first floor area 35.4 sq m). A stairs lift is indicated.
- 2.1.4. The dwelling is located at the south western corner of the site.
- 2.1.5. The proposed development is served by a private well.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission, subject to 13 conditions, including:

2) The effluent disposal from the proposed development shall be in accordance with the requirements EPA Code of Practice – ‘Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)’ 2009.

The wastewater treatment system and polishing filter shall be located a minimum distance of 10m from any other dwelling.

The wastewater treatment system and polishing filter shall be installed and maintained strictly in accordance with recommendations of the manufacturer. It shall be of sufficient capacity to cater for the loading thereto.

The treated effluent from the wastewater treatment system and polishing filter shall be dispersed by means of spreader pipes to form a percolation area.

No part of the wastewater treatment system or polishing filter shall be less than 4m from any road boundary, 3m from any site boundary or trees, nor less than 3m from the boundary of adjoining properties.

No part of the wastewater treatment system or polishing filter shall be less than 10m from any open drain.

No part of the wastewater treatment system or polishing filter shall be less than 50m from any lake or foreshore.

Reason: In the interests of public health.

3) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least €1 million) stating that the wastewater treatment system and polishing filter has been installed in accordance with the EPA guidelines. Precise details shall be submitted for the written approval of the planning authority prior to the first occupation of the proposed dwelling.

Reason: In the interests of public health.

4) The developer shall ensure that a clean, potable water supply is provided prior to first occupation which complies with the EU (Drinking Water) Regulations, SI 122 of 2014 as amended.

Reason: In the interests of public health, residential amenity and proper planning.

5) All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to adequately sized soakpits, drains or adjacent watercourses. In particular, no such surface water run-off shall be allowed to flow onto the public roadway or adjoining properties.

Reason: To prevent flooding of the public road, in the interests of traffic safety and in the interests of public health.

6) The entrance shall be designed, shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off, to prevent ponding on the public road and to accommodate any surface water flowing from the public road into the site.

The developer shall pipe any existing roadside drain for the distance of the new entrance to the satisfaction of the local Municipal District Engineer. Minimum pipe size shall be as determined by Municipal District Engineer. The only permitted pipe type shall be concrete spigot and socket or twinwall HDPE pipes. Splayed wing walls / head wall and concrete floor shall be constructed at each end of the pipe to prevent blockages from overgrowth and embankment collapse caused by erosion.

Reason: In the interests of safety and to prevent flooding.

7) a) The entrance to the site shall be recessed 4.3 metres behind the new fence line with wing walls not more than 1.2m in height splayed at an angle of 45 degrees. and shall not exceed one metre in height.

Adequate sight distances of 90m shall be created and maintained in both directions at the site entrance. The sight distances shall be measured from a point 3 metres in from the road edge and from a drivers eye height of 1.05m to an object height of 1.15m.

All areas forward of the sight splays, excepting access way, shall be grassed up to the metalled edge of the road. No wall, excepting the wing walls for the access, shall be erected as part of the boundary, whether or not such development would

constitute exempted development under the terms of the Planning and Development Regulations, 2001 as amended.

Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the planning authority.

Reason: To ensure the provision of an adequate entrance to the development in the interests of traffic safety.

8 Re. design and finish of the dwelling and garage (no garage is proposed).

9 Any existing public utility poles/pylons along the frontage of the site shall be relocated immediately outside of the new front boundary/ fence.

Reason: To reduce to a reasonable level the impact of the development on the safety (øf) and free flow of traffic on the public road.

10) Consult with ESB prior to commencement.

External lighting cowled and directed away from the public road.

11) a) Save for that which need to be removed in order to create and maintain adequate sight distances at the proposed entrance, all remaining boundary screening shall be retained and not removed save with the prior written consent of the planning authority.

b) Site boundaries shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing hedgerows in the vicinity. Species to include hawthorn, whitethorn, ash, oak, hazel, sycamore and holly; beech (*fagus sylvatica*) shall not be used.

c) Planting shall be carried out in the first planting season following date of grant of this permission.

d) In the event of tree/hedge failures, these shall be replaced to the satisfaction of the Planning Authority.

Reason: In the interests of visual and residential amenity.

12 Construction waste management.

13) Development charge €2,000.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planning report includes:

- The site is accessed off the L-6008 a local secondary road. Immediately to the south the site is bounded by a detached dwelling which is also the subject of a retention application, PL Ref 22/13. To the north the site is bounded by another detached dwelling. The site is also in the Clonaslee Source Protection Zone.
- It would comply with the design guidance set out in appendix 7 Rural Housing Design Guidance of the CDP.
- The development would not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and or an over dominant impact.
- The applicant submitted a site suitability report, proposing a packaged secondary treatment system & soil polishing filter as appropriate for the proposed development.
- The access is the same as previously proposed under ref 19/628, considered acceptable.
- A financial contribution, based on the adopted Development Contribution Scheme 2017-2023 should be attached to a grant.
- Schedule 1 states that the development, having regard to its nature, extent and location, would be compliant with provisions of the CDP 2021-2027.

3.3. Other Technical Reports

- 3.3.1. Western Area Roads Department, 4th February 2022 – satisfied that the entrance to be retained has adequate sightlines.

3.4. **Third Party Observations**

- 3.4.1. Third party observations have been read and noted.

4.0 Planning History

313167, PA Reg Reg 22-13, appeal currently before the Board, against the planning authority's decision to grant retention to Philip Keegan, for a dwelling house, with revised site boundaries, retain extension to agricultural shed, retain concrete hardstanding aprons and retain mobile home on site, on a site of 0.4059ha.

That site, together with the subject site of 0.27ha, was previously part of the site for 19/628.

19/628 planning permission for a dwelling with treatment plant and percolation area, new bored well and construct an agricultural shed, granted; site given as 0.677ha. House plans similar to the current application 313167. Details of the history file have been provided by the planning authority and are attached to file 313167.

The file includes in the assessment that, re. foul drainage, the test results are now improved. 'In his cover letter (not provided) the applicant refers to works carried out which have boosted the drainage characteristics of the site'.

The site characterisation report includes a layout showing the proposed well near the western boundary and the treatment plant and percolation area (polishing filter 16 sq m) to the south east of the proposed house 12m from the proposed roadside boundary near the south eastern corner of the site.

01/622 outline planning permission for a dwelling refused for 4 reasons:

1 Ground conditions are unsuitable for the disposal of effluent by means of septic tank and notwithstanding the proposal to use a puraflo treatment system it is considered that the proposed development would be prejudicial to public health.

2 The proposed development would conflict with the policy of the planning authority, as expressed in paragraph 2.5 of the current Laois County Development Plan which seek 'to prohibit development which would comprise Aquifer Protection Zones'. The proposed development would, therefore, be contrary to the proper planning and development of the area.

3 The proposed development by reason of its piecemeal nature, location and substandard form of access would be prejudicial to the rural amenities of the area and would set an undesirable precedent for the area. The proposed development,

would, therefore, be contrary to the policies and provisions of the County Development Plan.

4 The proposed development is located outside any settlement area designated in the current county development plan. It would be contrary to stated policies of the development plan to encourage housing to locate in the county's settlements and to control ribbon development. The proposed development would, therefore, be contrary to the proper planning and development of the area.

Details of the history file have been provided by the planning authority and are attached to file 313167.

The file includes test results of the water table and percolation carried out by an official of Laois Co Co, as was the practice at that time, which states that the water table level is 1.7m, and winter water level depth is a lot higher. The percolation tests were carried out at two holes in the south western part of the site and yielded different results in each hole taking 26 minutes for a drop of 100mm in one of the test holes and failing to drop 100mm in the other hole in an hour. The overall result was a fail.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Laois County Development Plan 2021 – 2027 is the operative plan. It was adopted 25th January 2022 and came into effect 8th March 2022.
- 5.1.2. This is an area identified as a Structural Weak Area.

Groundwater Protection - Groundwater provides drinking water requirements and almost 100% of households and businesses in county Laois via public, group scheme and private wells. Groundwater also contributes water to the river system as base flow, and so its quality is intrinsically linked to surface water quality. The main threats are posed by: i) Point contamination sources e.g. farmyard wastes (mainly silage effluent and soiled water), industrial discharges, activities related to quarrying and extraction, septic tank effluent, leakages, spillages, the improper use of pesticides and leachate from waste disposal sites. ii) Diffuse sources e.g. spreading of fertilisers (organic and inorganic) and pesticides

High vulnerability inner protection zones are given policy protection.

5.2. Natural Heritage Designations

- 5.2.1. River Barrow and River Nore SAC (002162), is the nearest Natura site, located c250m to the west, to which there is no hydrological connection; and downstream via the Clarahill stream, c1.3km distance to the north-east close to Tinnahinch Bridge.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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

- 6.1.1. An appeal, against the decision to grant retention, has been submitted by Ger Fahy Planning, Planning and Development Consultant, on behalf of the third parties Michael Wood and Danusia Oslizlok. The grounds includes:

- Previous refusal.
- Location in source outer zone protection area.
- Location between two SAC's.
- It should have been the subject of an Appropriate Assessment.
- The Board cannot be satisfied, on the basis of the information presented and in the absence of an appropriate assessment that the proposed development would not be likely to have a significant effect on European sites specifically The River Nore and River Barrow SAC, and is precluded from granting permission.
- A dwellinghouse was previously refused on this site.

- The proposed development is contrived as it purports to be a granny flat. The supporting documentation suggests that the future occupant has mobility issues and the need for mobility support. The design, two storey, does not lend itself to facilitating such mobility issues.
- Attached to the response is a report from Environmental Consultant, Whitehall Environmental, titled 'Habitats Directive Screening of Two Proposed Developments at Ballynalug, Rosenallis, Clonaslee, Co Laois.

6.1.2. The Environmental Consultant's report considers the potential for impact on:

- River Nore and River Barrow SAC (site code 002162) hydrological connection.
- Slieve Bloom Mountains SAC (site code 000412) no hydrological connection.
- Slieve Bloom Mountains SAC (site code 0004160) no hydrological connection and no impact on hen harrier.
- Clonaslee Esker and Derry Bog (site code 000859) no connectivity.
- Charleville Wood SAC (site code 000571) no connectivity.
- Mountmellick SAC (site code 002141) no connectivity.
- Potential impacts – pollution to surface waters during construction of the existing structures on the site, run-off from the works containing silt, hydrocarbons or other pollutants may have been mobilised downstream to affect sensitive habitats and species and the attributes relating to the protection of water quality that have been included as part of the SSCOs (site specific conservation objectives) to restore or maintain the favourable conservation condition of those QIs (qualifying interests) in the SAC.
- Ongoing pollution to ground or surface water arising from the continued operation of both sites, including uncontrolled run-off of polluted water from hard-standing and machinery works and pollution to groundwater arising from the inappropriate installation of the wastewater treatment plant in Site B.
- The cover letter for application 22/13 (site A) (adjoining) referred to land drainage works. No further information was provided for these works and in

the absence of more details regarding these works and what they entailed, it cannot be excluded that they did not lead to significant effects upon the River Nore and River Barrow SAC, which is 235m from the application site.

- The construction of the house at Site B was completed on site with hydrological connectivity to the SAC. No details of what measures (if any) were undertaken to prevent pollution to the stream along the northern boundary have been submitted. Any run-off into this stream during construction may have had effects downstream on QIs in the SAC. Any mitigation is a trigger for AA.
- The house at Site B (subject site) is connected to a wastewater treatment plant. The site characterisation report infiltration tests were incorrectly timed and therefore the plant has not been installed per EPA 2021 CoP. Therefore there is a risk of pollution to groundwater. Two habitats are considered to be groundwater dependent ecosystems: Petrifying Springs with tufa formation and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*. These habitats could be affected by any deterioration in groundwater quality locally. Groundwater quality can affect surface water and therefore other downstream QIs in the SAC.
- It concludes that AA is required.

6.2. Applicant Response

6.2.1. The applicant has responded to the grounds of appeal, which includes:

- He wasn't asked to submit Appropriate Assessment, more than likely because the site is outside an SAC. He doesn't have enough time to prepare a report as a response to objector's.
- The treatment plant and percolation area has been granted planning permission and are much further from the river than the neighbour's. A man-made lake (neighbour's) is even closer.
- The existing planning permission 19/628 covers the whole field. It is irrelevant to mention the previous refusal.

- The main reason for changing the planning site is to provide space for the granny flat. The bedroom and treatment room have to be fitted upstairs to reduce the footprint of the building. Access will be by chair lift as shown on plans.

A letter accompanying the grounds from Mr Keegan includes:

- He is a small, part-time, agri-contractor and general operative working in the farming sector and construction sector.
- His family are local farmers and agricultural contractors and have lived in the townland of Rosenallis since the father's death (when he was 6 years old).
- Both he and his mother have on-going health problems. His mortgage approval was withdrawn during lockdown.
- He started to construct a granny flat with his savings to provide adequate accommodation for himself and his mother.
- He was stopped by Laois Co Co and asked to submit a retention application.
- He attended pre-planning meetings and took professional advice.
- Re. the appeal, the owners of what is an air B&B, reside in Dublin.
- During a recent survey it was brought to his attention that the owners of the neighbouring property, an air B&B, have claimed part of his lands and he provides maps to illustrate.
- This is concerning vis a vis impacts on his public liability insurance and the health and safety of their holiday makers and members of the public.
- The owners have carried out works, including having dug out and built a manmade lake as well as plunge pool, constructed a yurt, a boardwalk, built in decking and seating area including hut and fire pits under the canopy of trees, within his property. Within the stream they have placed stepping stones, close to their own septic tank and soakaway.
- They are happy that they have adhered to all guidelines in both the application and installation of any treatment plants which they have received planning for at the site.

6.3. Planning Authority Response

6.3.1. The planning authority has not responded to the grounds of appeal.

7.0 Assessment

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, principle of the development, the suitability of the site for on-site effluent treatment, and other issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

7.2.1. I have read the documents submitted with the application and appeal, including the numerous observations submitted to the planning authority, and the grounds of appeal.

7.2.2. A Natura Impact Assessment or Screening for Appropriate Assessment were not included in the application. The planning authority carried out Appropriate Assessment Screening and reached a conclusion of no potential significant affects and that AA is not required.

7.2.3. The grounds of appeal has attached an Environmental Consultant's report which concludes that AA is required because it cannot be excluded.

- In relation to the works carried out: pollution to surface waters during construction of the existing structures on the site, run-off from the works containing silt, hydrocarbons or other pollutants may have been mobilised downstream to affect sensitive habitats and species and the attributes relating to the protection of water quality that have been included as part of the SSCOs to restore or maintain the favourable conservation condition of those QIs in the SAC, may have led to significant effects upon the River Nore and River Barrow SAC.
- Ongoing pollution to ground or surface water may arise from the continued operation of both sites, including uncontrolled run-off of polluted water from hard-standing and machinery works and pollution to groundwater arising from the inappropriate installation of the wastewater treatment plant in Site B (the subject site).

- The cover letter for application 22/13 (site A) (adjoining) referred to land drainage works. No further information was provided for these works and in the absence of more details regarding these works and what they entailed, it cannot be excluded that they did not lead to significant effects upon the River Nore and River Barrow SAC which is 235m from the application site.

7.2.4. I note that the planning report on the previous file 19/628 states as follows in the assessment:

Regarding the previous refusal of outline permission on the site, I wish to make the following points.

In relation to foul drainage, the test results are now improved. In his cover letter, applicant refers to works carried out which have boosted the drainage characteristics of the site.

In addition, development levels in the area are relatively low and the local need factor is not applicable.

7.2.5. I agree with the grounds of appeal that any works which were carried out, in preparation for the current development require to be taken into consideration in screening for appropriate assessment. The subject application does not include sufficient detail in relation to those site 'improvement' works to enable the Board to carry out screening for appropriate assessment.

7.2.6. The only European site with which there is a source / receptor / pathway connection to the subject site is the River Barrow and River Nore SAC (site code 002162) which is downstream via the Clarahill stream, at a point 1.3km distance to the north-east close to Tinnahinch Bridge.

7.2.7. Appropriate Assessment Screening

7.2.8. The proposed development is not connected with or necessary to the management of the European site.

7.2.9. The site 'improvement' works which are stated to have been carried out and which have boosted the drainage characteristics of the site would also require to be documented to enable the Board to carry out screening for appropriate assessment. Under a separate heading later in this report: 'Suitability of the Site for On-Site Effluent Treatment' it is noted that the water table tests carried out were not in

compliance with the EPA CoP, the Board cannot carry out screening for appropriate assessment on the basis of such tests.

7.3. Principle of the Development.

- 7.3.1. Map 2.2 of the core strategy identifies rural areas which are Structural Weak Areas and Area Under Strong Urban Influence, which forms the basis for the rural housing policy. In this regard the Board should note the stages of the development plan preparation, as set out on the County Council's website, which indicate that the Structural Weak Areas and Areas Under Strong Urban Influence, underwent considerable modification at the final stage of the development plan preparation. The extent of Areas Under Strong Urban Influence in the Draft Plan, and as modified following the comments of the Regulator, was much extensive than in the final plan, where the reduction in the Area Under Strong Urban Influence and increase in the Structural Weak Areas was not accompanied by any explanation. This area was identified at earlier development plan preparation stages as an area under strong urban influence and in the adopted plan is identified as a Structural Weak Area.
- 7.3.2. The Offaly County Development Plan identifies the area in that county adjoining as an area of rural housing pressure.
- 7.3.3. The settlement strategy in the Eastern and Midlands Regional Spatial & Economic Strategy states that for rural places the strategy is to support the sustainable growth of rural areas such as this by promoting the revitalisation of rural towns and villages, including ready to go regeneration projects coupled with investment where required in local employment and services and targeted rural housing policies, to be determined by local authorities.
- 7.3.4. The indicative 'Outline of NSS Rural Area Type' map which accompanied the Sustainable Rural Housing Guidelines, identifies this area as a stronger rural area.
- 7.3.5. It is difficult to reconcile the Structural Weak Area designation Map 2.2, which emerged only at the final stage of the process, and is the adopted map, with the development plan process and the various iterations of Map 2.2.
- 7.3.6. The applicant did not submit local need details in support of the application. The planner's report refers to this area being a structurally weak area.

- 7.3.7. In response to the grounds of appeal, a letter from the applicant's son states that they have lived in the townland of Rosenallis since he was 6. He also refers to supporting his mother and that the intention is that the development on the adjoining site should be a 'granny flat' associated with his dwelling.
- 7.3.8. It seems likely that the applicant would comply with local need policies. An occupancy condition could be attached in the event that the Board was minded to grant permission. In my opinion the proposed development is acceptable in principle.

7.4. Suitability of the Site for On-Site Effluent Treatment

- 7.4.1. The proposed development involves the provision of an on-site bored well water supply and on-site effluent treatment and disposal. No location for the on-site bored well water supply is shown. The development as proposed is retention. The site is located within the outer protection zone for a public water supply. There is a stream along the western and northern site boundaries.
- 7.4.2. A site characterisation report was provided with the application, dated 10 January 2022. It states that it is proposed to install a mechanical aeration system and polishing filter and discharge to groundwater, using the existing ground as the polishing filter; 96m length of trenching required. The trial pit was excavated on 6th January 2022 at 10 am (to 2m depth) and examined on the 7th January 2022 at 10 am.
- 7.4.3. The grounds of appeal challenge the adequacy of the site characterisation report.
- That it doesn't state it was carried out for retention.
 - That the plant and percolation area have already been installed.
 - That the trial hole assessment requires a minimum of 48 hours to allow the water table (if present) to establish itself. The holes were only open for 24 hours.
 - The photographs shown on the site characterisation form would indicate that the soil is of a much poorer quality that is suggested by the T test and they question how a T value such as stated could be achieved in such ground conditions.
 - The form refers to the Treatment Plant from the Irish Agreement Board which is no longer in place. It must be EN certified and CE marked since 1 July 2013.

- They state that these errors suggest that there was no supervision of the installation. They refer to the sensitivity of the site: in the groundwater protection zone and with direct connection to the SAC.

7.4.4. The planning authority decided to grant retention subject to conditions including conditions 2 and 3:

2) The effluent disposal from the proposed development shall be in accordance with the requirements EPA Code of Practice – ‘Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)’ 2009.

a) The wastewater treatment system and polishing filter shall be located a minimum distance of 10m from any other dwelling.

b) The wastewater treatment system and polishing filter shall be installed and maintained strictly in accordance with recommendations of the manufacturer. It shall be of sufficient capacity to cater for the loading thereto.

c) The treated effluent from the wastewater treatment system and polishing filter shall be dispersed by means of spreader pipes to form a percolation area.

d) No part of the wastewater treatment system or polishing filter shall be less than 4m from any road boundary, 3m from any site boundary or trees, nor less than 3m from the boundary of adjoining properties.

e) No part of the wastewater treatment system or polishing filter shall be less than 10m from any open drain.

f) No part of the wastewater treatment system or polishing filter shall be less than 50m from any lake or foreshore.

Reason: In the interests of public health.

3) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least €1 million) stating that the wastewater treatment system and polishing filter has been installed in accordance with the EPA guidelines. Precise details shall be submitted for the written approval of the planning authority prior to the first occupation of the proposed dwelling.

Reason: In the interests of public health.

- 7.4.5. It is worth noting that the ground conditions in the area have been shown to vary considerably across the site, in particular in relation to water table level. The tests carried out on 7th August 2001 in connection with the application for outline planning permission 01/622, states that water table level is 1.7m below ground level and that winter water level depth is a lot higher. That test was carried out at a higher site ground level (above 100m) than the current trial pit ground level (between 98 and 99m).
- 7.4.6. The EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) states that in all cases where regionally important aquifers underlie the site, or for (listed) GWPRs including the subject R2³ the trial hole depth should be at least 3 m (if possible) in order to prove that the existing vulnerability classification, as determined during the desk study, is correct. The hole should remain open for a minimum of 48 hours to allow the water table (if present) to establish itself. It also sets out in table 6.3, minimum unsaturated soil and/or subsoil depth requirements to be established by trial holes to treat waste water satisfactorily on a site. It states that if these depths are not met but there exists 0.5 m depth of unsaturated soil and/or subsoil, which meets the required percolation values for a DWWTS discharging to ground, a raised infiltration/treatment area may be installed.
- 7.4.7. In my opinion the questions raised by the appellant in relation to the trial hole and water table level are reasonable. In order to ensure that the minimum unsaturated soil and/or subsoil depth is available in order to treat waste water satisfactorily, a trial hole should be of 3m depth if possible, i.e. unless bedrock is encountered before that level is reached, and should remain open for 48 hours before it is examined; and the planning authority should be informed so that they can examine the trial hole at the appropriate time. In a situation where the site is assessed during the summer when the water table is low, it should be examined for soil mottling, an indicator of seasonally high water table, and there should be reference to the likely winter water table level in the report submitted.
- 7.4.8. Any land improvements, which may have improved the site and which thereby facilitate on-site wastewater treatment should be detailed.
- 7.4.9. In the absence of such information it cannot be concluded that the site is suitable for the treatment of effluent.

7.5. Granny Flat

- 7.5.1. The grounds of appeal states that the proposed development is contrived as it purports to be a granny flat; the supporting documentation suggests that the future occupant has mobility issues and the need for mobility support; and the two storey design, does not lend itself to facilitating such mobility issues.
- 7.5.2. The plans include a stairs lift and there is nothing in the application to indicate that the layout would be unsuitable for a person with mobility impairment.

7.6. Other Issues

- 7.6.1. Inaccuracies in the plans. There are a number of inaccuracies between the plans and elevations. The chimney, which is at the north western end of the house is represented on the front elevation in the location shown on plan, but is represented on the side elevations as being at the south western end of the house. The plans and elevations of the window to the treatment room do not match. These are relatively minor matters and would not be a reason to refuse or modify the proposed development.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that planning permission for the retention of the dwelling should be refused for the following reasons and considerations.

9.0 Reasons and Considerations

On the basis of the water table tests carried out and the lack of information in relation to the site improvement works previously carried out, the Board cannot conclude that the proposed development has not or would not impact adversely on ground and or surface water; the proposed development would accordingly be contrary to the proper planning and development of the area.

Planning Inspector

29 June 2022

Appendix 1 Photographs.

Appendix 2 Laois County Development Plan 2021-2027 extracts.