



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316126-23

#### Development

Change of use from existing residential to proposed retreat/wellness centre with new single storey extension, minor internal alliteration, new vehicular entrance and car parking, provision of wastewater treatment system and all associated site development works.

#### Location

Ballycorrigan, Ballina, Co. Tipperary, V94 9P38.

#### Planning Authority

Tipperary County Council

#### Planning Authority Reg. Ref.

22630

#### Applicant(s)

The Dublin Buddhist Centre (Triranta)

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Noreen Clifford

#### Observer(s)

None

**Date of Site Inspection**

3<sup>rd</sup> January 2024

**Inspector**

Catherine Dillon

## 1.0 Site Location and Description

- 1.1. The site is located to approximately 2.7km east of Ballina town centre. It is within the townland of Ballycorrigan and is accessed off the Grange Road and along a single width cul de sac laneway which serves eight dwellings. The entrance into the subject site is set back from the road and the vehicular access is shared with a bungalow to the north. There is a derelict cottage at the entrance into the site that fronts the road.
- 1.2. The subject site is occupied by a detached traditional two storey dwelling with a detached garage and several single storey out buildings to the north of the dwelling. The site is surrounded by mature landscaping and has a stated area of 0.92 hectares. The site falls from east to west, and from north to south site along the site.
- 1.3. Immediately to the south east of the site is an agricultural farmyard with a detached dwelling further south. A small drain/water course runs along the western boundary of the site.

## 2.0 Proposed Development

- 2.1. Permission is sought for the change of use from an existing residential dwelling to a proposed retreat/wellness centre and all associated site development works.
- 2.2. It is proposed to replace an existing single storey extension along the eastern elevation of the property with a larger single storey flat roof extension with a gross floor area of 26.8m<sup>2</sup> to provide a store, wc and entry hall.
- 2.3. A new vehicular access is proposed to the south of the existing vehicular access leading to a car park area for 10 car parking spaces. The existing vehicular entrance into the subject site is to be closed.
- 2.4. Details submitted with the planning application regarding the proposed use include the following:
  - One person would be employed at the centre.
  - The premises would operate as a retreat/wellness centre, with small wellness and mediation retreats held every one or two weekends per month.
  - Typically 14-17 people would attend the retreats including the team running the retreat.

- Retreats would run from Friday evening (around 5pm) to Sunday afternoons (around 3pm), or until Monday afternoon (around 3pm) on Bank holiday weekends.
- Weeklong retreats would occur twice a year from Friday (5pm) to Friday (around 3pm).
- It is anticipated 5-6 cars per retreat.
- People attending the retreat would generally arrive on site over a two-hour period before the retreat commences.
- Food waste to be removed and disposed to the Dublin Buddhist centre.

2.5. A site characterisation report was submitted with a new 12 p.e Super BAF wastewater treatment system and polishing filter area in the southern portion of the site. The source of water supply is to be via a private well.

2.6. The application was subject to further information and this information is being considered in this appeal.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Planning permission was granted on 24<sup>th</sup> February 2023 subject to 10 conditions. Of note are the following conditions:

Condition 2: Existing northern entrance shall be permanently closed off by the erection of a boundary fence/wall.

Condition 7: Adequate supply of potable water for the domestic and sanitary needs of the development.

Condition 8: Effluent from the building shall discharge to a wastewater treatment system and soil polishing filter.

Condition 9: The roadside boundary shall be set back from a point 2.4m from the road edge at the centre of the proposed access to a point 65m and 90m in both directions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The initial planner's report (6/1/2023), noted the Tipperary County Development Plan 2022-2023 makes provision for small scale start up rural enterprise in the countryside under Policy 8-5. It was considered the proposed development was of an appropriate scale for the open countryside and given the nature of the use, noise was not anticipated to be an issue and the development would not negatively impact on the landscape or adjoining residential amenity.

Further information was requested regarding the location of the private well and consent to utilise it, further details on the proposed WWTS, and details on the proposed new entrance/driveway.

The second planner's report (21/2/23), noted the location of the proposed borehole for a water supply, the revised wastewater treatment site layout and the vehicular access details. Cross sections were provided for the percolation area and it was confirmed no water table was encountered in the trial hole and mottling was recorded at 1.6m below ground level and, the final chamber in the BAF system would be pumped. It was considered the revised layout for the proposed WWTS was satisfactory and a condition was recommended regarding certification of the installation of the treatment system. The existing entrance into the premises was to be permanently closed and the new entrance was acceptable.

### 3.2.2. Other Technical Reports

**Senior Executive Engineer:** Report (email) dated 15/11/22:

The development site is located on a local tertiary road, which has very low traffic volumes and poor horizontal alignment. The effective speed is extremely low due to a combination of very narrow road, right angle bend to the north of the site and poor road condition. I estimate that the effect of speed is below 30 kph.

The CDP 2022 -2028 sets a default speed of 160m but this may be reduced where the effect of speed is less than 80 kph. Where the effective speed is 50kph, the required sightline reduces to 70m. The sight line to the north of the site is 65m, the sight line to the south is 90m. In accordance with the CDP, the sightline to the north of the site is slightly less than the required 70m. However, in this instance, I have no

objection to accepting the reduced sightline distance of 65m for the following reasons:

- 1 The CDP does not provide guidance where the effect of speed is appreciably lower than 50kph as in the case of this development. The sight line distances are based on the concept of safe stopping distances. The safe stopping distance for 30kph is 30.8m which is less than the available 65m.
2. The traffic volumes are extremely low(sic) at this site, the road is a cul-de-sac and the public road ends at the development site.
3. The 90 degree bend to the north of the site severely restricts the effective speed at this location.

The CDP does allow the district engineer to exercise some discretion with sightlines and accordingly, I have no objection to the proposed development.

**Environment:** Report dated 5/1/2023

The applicant has submitted wastewater treatment design details i.e. 12 PE<sub>hyd</sub> Secondary Treatment Unit (O'Reilly Oakstown BAF Unit) discharging by gravity to 16no.10m percolation drains. The applicant has assessed the potential wastewater loads, utilising Tab 3 of the (1999) EPA Business Manual.

The proposed wastewater loadings are as follows:

|                |           |
|----------------|-----------|
| Loadings       |           |
| Population org | 10.25 P.E |
| Hydraulically  | 9.39PE    |

The following parameters refer to the site conditions:

T48, P44, waste treatment at 1.6metres bgl, bedrock>2.5m bgl, Li/Extreme, gentle slope 1/15 downhill towards west , Date August/Sept 2022. The soil in the area is classified as the Broomhill Series which is characterised as a Loam, but slightly sticky and plastic at approximately 0.9m+; which feature could account for the slow percolation rate and hence mounding potential. Taking account of Met Eireann Rainfall data suggests that there is potential for waste treatment rise of approximately 350mm. Hence, the water table should be taken as 1.6-0.35 to 1.25m

bgl. However, as percolation trenches vary in depth from 850 to 1000mm, this suggests that any potential underlying soil filter will vary from 0.25 m 0.4 m i.e well under the 0.9m depth requirement.

The applicant is requested to address the following issues in order to facilitate a site suitability assessment for the wastewater treatment aspect of the development:

(i) A cross section running from east to west through the proposed percolation area. This section shall show both existing and proposed levels with proposed percolation trench depths and water table depths shown thereon. The assessor should note the following:

- It is unclear as to the depth of the recorded water table (1.6m) taking account of the trial hole photographs which appears to indicate a substantial difference in depth between the near and far side of the trial hole. Also there appears to be no actual water present in the trial hole. Clarification required.

- As the groundwater flows from east to west best practice would suggest that in order to reduce any adverse hydrological impact that any proposed percolation area/infiltration area be elongated perpendicular to the estimated groundwater flow; accordingly, applicants are advised that the ratio between the short side and long side of the area should be configured in a 2-2.5 ratio (long side running north to south).

- Regarding the BAF system, the manufacturers details show a final pump system yet the layout drawing would appear to indicate a gravity system. Clarification required.

- It should also be noted that taking account of Met Eireann rainfall data that there exists a potential for the water table to rise by approximately 0.35m above the recorded 1.6m level, thus indicating a potential design water table of 1.25m bgl. As this level would appear to conflict with trench depths and the requirement for an 0.9m soil filter, it may be worth considering an alternative type infiltration area such as slightly elevated pressure dosing mechanism.

(ii) Submission of a revised wastewater treatment layout is requested.

No comments were received from the environment section to the further information response.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Twenty one submissions were received to the planning application on the following grounds:

- Retreat centre would be a benefit to local community.
- Concerns regarding numbers of people using retreat centre.
- Increase in traffic and traffic safety concerns giving alignment of road.
- Consent to use private well.
- Inappropriate location for Wellness Centre.
- Desirable amenity in the area.
- Sightlines not sufficient.
- Two entrances to proposed development.
- Appropriate location for Wellness Centre is overlooking lake etc..
- Does not comply with policies and contravenes the County Development Plan.
- No public transport to access centre.
- Pedestrian safety.
- Shared entrance not highlighted on drawings.
- Traffic collision on roadway.

## 4.0 Planning History

- 4.1. **P.A Ref: 02/510410:** Planning permission granted to extend dwelling and relocate septic tank, subject to 2 conditions.



## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Tipperary County Development Plan 2022-2028. The site is unzoned and located outside the settlement of Ballina. The relevant policies and objectives pertaining to the development are as follows:

SO- 5: To promote, support and enable sustainable and diverse economic development, and foster new and innovative opportunities, harnessing the talent of our workforce and communities.

SO - 6 To support a sustainable, diverse and resilient rural economy, whilst integrating the sustainable management of land and natural resources.

Policy 3 - 3 Require the retrofitting and reuse of existing buildings (where practical) rather than their demolition and reconstruction.

Policy 4 - D Support opportunities for co-operative clustering/networks of economic and social specialties in rural settlements for example, sustainable energy communities, activity based and cultural tourism, nature-based solutions, local food production etc, thereby supporting a sustainable rural economy in Tipperary.

Policy 8 - 5 Support and facilitate small-scale start up-rural enterprise in the countryside within and/or adjoining the owner's home. Development proposals will be required to meet the following criteria:

- a) The development shall not have an adverse impact on the residential, environmental and rural amenity of the area;
- b) Any new structure shall be of a scale appropriate to the size of the site, and be sited and designed to ensure it does not detract from the rural setting and landscape character of the area;
- c) Where the enterprise or activity develops to a scale that is inappropriate by virtue of activity or size in its rural context, the Council will encourage its re-location to a more suitable location on zoned land within towns and villages, and,

d) Uses that would entail significant customer draw, including non-farm related shops/retailing will not be considered appropriate.

Policy 9 - 2 In assessing proposals for tourism development, including accommodation, at locations outside of settlement centres, to consider proposals on a case-by-case basis, having regard to;

- (a) The nature and scale of the proposal in the context of its setting,
- (b) The specific need for the development to locate in the rural area and not within a settlement,
- (c) Demonstration that the development is compatible with the protection of the environment, including lakeshore and riparian habitats.
- (d) The environmental conditions and sensitivities, scenic amenity, availability of services and the cumulative impact of such developments on the environment.

Policy 12-1 (a) Support the achievement of the modal shift targets set out in Table 12.1 Modal Share Targets to apply to Tipperary and require new development to demonstrate and ensure that land-use, connectivity and transportation are integrated in a manner which reduces reliance on car-based travel, promotes more sustainable transport choice, and co-ordinates particular land uses with their accessibility requirements.

(b) Apply the principles of the National Sustainable Mobility Policy (DoT, 2022), the Design Manual for Urban Roads and Streets (DTTS and DHPLG, 2019) and the Design Manual for Urban Roads and Streets Interim Advice Note – Covid-19 Pandemic Response (2020).

(c) Development proposals shall be required to provide for well-integrated pedestrian and cycling networks and infrastructure, such as cycle parking, as part of their planning application and 'Sustainability Statement', where applicable, the development management standards Volume 3 will apply.

(d) To apply a 'whole journey approach' to make public transport fully accessible to people with disabilities', this refers to all elements that constitute a journey from the starting point to destination including footpaths, tactile paving, cycle paths, roads,

pedestrian crossing points, town greenways and bus stops/shelters in line with relevant Guidance from the Department of Transport.

Policy 12-2 Require new trip intensive developments to prepare and submit 'Mobility Management Plans' as part of their planning application, in line with the requirements of the Development Management Standards set out in Volume 3. An assessment of likely transport demand, and modal split shall be established, to enable a programme of monitoring as part of the Mobility Management Plan.

Policy 15-2 Require that all new septic tanks, proprietary effluent treatment systems and percolation areas to be located and constructed in accordance with the Water Services Guidelines for Planning Authorities (and any review thereof) and the Code of Practice for Domestic wastewater treatment systems (EPA, 2021) (and any amendment) and the development management standards of this Plan as set out in Volume 3.

Policy 15-4 Collaborate with Irish Water in contributing towards compliance with the European Union (Drinking Water) Regulations Drinking Water Regulations 2014 (as amended) and compliance of water supplies with the parameters identified in these Regulations. Where new developments cannot be served by public water supply, the Council will consider a private water supply where the developer can demonstrate that any new supply is adequate to serve the proposed development and that for domestic use; it is safe to be consumed as drinking water. Groundwater abstractions must comply with EPA policies and guidelines.

### **Volume 3- Development management Standards**

#### Section 6 - Parking, Traffic and Road Safety

##### Table 6.4 Minimum car parking standards

## **5.2. Natural Heritage Designations**

The site is not located within a designated site and does not adjoin such a site. To the west of the site is the Lower River Shannon SAC (site code: 002165) c.1.4km, and Lough Derg SPA (site code:004058 ) c1.5km. To the south east of the site are Silverfelim to Silvermines Mountains SPA (site code: 004165) and Keeper Hill SAC (site code: 001197) c. 7.6km and 9km respectively.

### 5.3. EIA Screening

The proposal is for a change of use and having regard to the nature and scale of the proposed development and the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required, Refer to Appendix 1, Form 1 (Pre-screening) attached.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted by a resident who lives to the south of the subject site, along with 12 signatures, of which the main points can be summarised as follows

#### Contravenes the Tipperary County Development Plan 2022 to 2028

- Policy 8-5 cited in the planning report is not applicable as the enterprise does not conform with the criteria, i.e not a home based activity, start up or small scale.
- Objective 9.5/9-1 of CDP encourages tourism development in existing settlements.
- Is a hostel & place of congregational gathering and does not comply with settlement hierarchy.
- Applicants have not demonstrated a justification/need to locate on the site.
- Will impact on residential amenity and character of the lane.
- Does not promote modal shift and is car dependent.

#### Result in a traffic hazard and congestion for road users

- The site is accessed via a route of compromised width, configuration, horizontal and vertical alignment, and carrying capacity. Both the route and

the site entrance are substandard and ill suited to be used by unfamiliar traffic.

- Commercial traffic loading on the lane would overstretch carrying capacity.
- Impact on emergency/essential access.
- Concerned the traffic will increase given the size of the organisation.
- Use could cause traffic flow problems on the lane as no mechanism to moderate traffic.
- Will create traffic flow spikes along the lane.
- Visitors to the centre will be unfamiliar with the narrow road.
- Overspill parking on neighbouring lands.
- Site is at location of a previous road accident.
- The laneway is not suited to a commercial use.
- Proposal represents a 50% increase in traffic along the lane and 100% increase beyond the restricted bend.

#### Conditions attached to planning permission

- Condition no. 2 requires the northern entrance to be permanently closed off, which is a shared entrance to a neighbouring property and the owner has no rights to extinguish this entrance.
- Condition 7 relates to water supply for domestic needs.
- Sightlines in condition no. 9 are substandard with CDP standards.
- Proposed sightlines are obstructed.

#### Water and wastewater

- Application site does not have its own potable water supply and is dependent on a goodwill basis from a neighbouring well.
- A commercial use leaves the neighbouring well vulnerable to excess demand.
- Wastewater treatment system may be inadequate based on potential customer draw.

#### Application is invalid

- Adjoining buildings have not been identified, wayleave to north of site not indicated and 1:1000 map inadequate.

#### Other issues

- Those in support of the development generally reside outside of the county.
- Unauthorised works are ongoing on the site.

## **6.2. Applicant Response**

The applicant's agent responded on the following summarised grounds:

#### Planning Context

- Given the unusual nature of the application, i.e a Buddhist retreat centre, the proposed use is more of a recreational type use than a traditional 'commercial' use. The wellness and meditation retreats will occur inside the building so there will be no noise nuisance as a result, and no impact on residential amenities or in the visual amenity of the area.

#### Traffic

- The applicant's agent refers to the Planning Authority's Senior Executive Engineer's comments on the low traffic volumes along the road and to condition No.9 of the planning permission requiring sightlines. They confirm that the applicant fully accepts the condition regarding sightlines and is satisfied to fully comply with same. It is evident from the Planning Authority assessment and the attachment of condition No.9 to the decision to grant permission, that the proposed development will not create any traffic safety issues.
- The proposed development accords with the CDP Section 6.1 on 'Road Design and Visibility at a Direct Access' and will not therefore materially contravene the CDP. The development will not result in an endangerment to public safety due to the lack of adequate visibility for vehicles and will not create a traffic hazard.

#### Accessibility

- The subject site is currently accessed via an entrance (at the northeast corner of the property) and is within the entire folio of the property, which is in the full ownership of the Dublin Buddhist centre. The existing access is outside of the current red line of the application, and it is not proposed to be utilised by the applicant.
- The submitted drawings are very clear in their detail that the existing entrance is no longer required. They also note that condition no.2 of the notification of decision to grant permission is very specific in relation to the closure of the existing entrance.
- They confirm that the applicant is the full owner of the existing entrance, there is no ambiguity in this matter.
- The applicant has no objection to the implementation of a new access should the Board deem it necessary to attach a similar condition to in order to grant permission for the proposed development, the applicant will be satisfied with same.

#### Quantum of users & scale of operation of the retreat centre

- There is an existing 4 bedroom dwelling on site that could reasonably accommodate 8 persons. Based on a family of 8 persons residing in the premises, and assuming a two car household it is estimated the use of the dwelling could generate c.2,600 trips per annum along the lane (10 trips x 5 activities=50x52 weeks per annum =2,600).
- The proposed use will accommodate one person full time in the premises, which is similar to a work at home position thus not generating many daily traffic movements.
- The applicant has been clear that the intended use of the property is to accommodate 14 to 17 persons for retreats twice a month which would generate a maximum of circa 816 traffic movements per annum. When adding the retreats twice a year it is estimated this would add a maximum of circuit 70 additional movements per annum, based upon 17 persons moving to and from the premises.

- The total maximum number of traffic movements associated with the development is circa 886 per annum, which can be likened to circa 17 movements along the lane per week even though the proposed development will not be in weekly use.
- The applicant has been upfront as to the intended operation of the centre by stating that “Retreatants to be clearly advised, as part of the booking arrangements for a retreat, of the nature of the access lane particularly for car travel, its narrowness, potentially overgrown condition, restricted visibility, steeply sloping in certain locations, issues of the potential for sliding/slippage wet or freezing conditions, the need for reducing speed of travel to 10-15kmph etc.. It is agreed that these measures to address health and safety will be included as part of the planning application. The planning authority will also be advised of the usual car arrival and departure arrangements i.e that retreatants will generally arrive on site over a 2 hour period before the commencement of the retreat and will leave in a coordinated way at the end of retreat so as to minimize disruption to other road residents.”
- The retreat centre will only be used fortnightly (at a maximum) and at weekends. This is not expected to coincide with peak traffic hours on the net increase in traffic volumes will not be of major significance. It is also noted that adequate on-site parking is provided. Retreatants will be clearly instructed not to park anywhere other than on site, we consider that this be subject to a condition which would be enforceable, thus ensuring the proper planning and sustainable development of the area.
- They note the concerns raised by the appellant in relation to the scale of the centre. It is intimated that more than 14 -17 persons will attend the centre and that it may grow to an inappropriate scale. However, given the size of the property and the quantum of parking proposed and design, it is evident that the applicant’s assertion that 14-17 persons either once or twice a month, and at weekends only, for two annual, week long retreats, is appropriate.

### 6.3. Planning Authority Response

None



## 7.0 Assessment

7.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal, and noted the planning authority's request for additional information and the applicant's response to same. Having regard to the site and scale of development, I consider the main issues in this appeal to be those raised in the grounds of appeal, and are as follows:

- Principle of the development,
- Residential amenity,
- Accessibility and Traffic,
- Supply of water,
- Adequacy of Wastewater treatment system (WWTS),
- Other issues, and
- Appropriate Assessment.

### 7.2. Principle of the development:

7.2.1. The site lies outside the settlement boundary of Ballina and is unzoned within the Tipperary County Development Plan (CDP). The Planning Authority considered the proposed development under Policy 8-5 of the CDP which seeks to 'support and facilitate small scale start up rural enterprise in the countryside within and /or adjoining the owner's home'. I would agree with both the appellant and applicant that this policy does not directly apply to the subject proposal, in so far as I do not consider it a small start-up rural enterprise adjoining an owner's home.

7.2.2. In policy terms I consider Policy 9-2 outlined above is more applicable, in that the proposed development is more affiliated to a tourism type development including accommodation outside a settlement centre. Such developments are considered on a case-by-case basis, having regard to, their nature and scale in the context of their setting and specific need to locate in a rural area.

7.2.3. The applicants have not demonstrated a specific need to locate the development in this rural area as outlined in the aforementioned policy. I note the applicants have a

centre based in Dublin 1, however given the nature of the use as a mediation and wellness centre a quiet rural location would seem appropriate. I therefore consider subject to all other criteria being met, the use of the building as a wellness centre is acceptable in principle, and the change of use of the premises to a wellness centre would not materially contravene the CDP. I also note Policy 3-3 of the CDP supports the retrofitting and reuse of existing buildings (where practical) rather than their demolition and reconstruction.

7.2.4. However, I have concerns given the site's location, being c.2.7km from Ballina town centre that the users of the facility will be principally car dependent. This aspect of the development is discussed in more detail in section 7.4 below.

### **7.3. Residential amenity**

7.3.1. The internal layout of the property as proposed suggests the sharing of facilities such as the kitchen, living room and bathrooms similar to a bed and breakfast/hostel style accommodation. The existing dwelling including the proposed extension would have a stated gross floor area of 227m<sup>2</sup>, which in terms of its size and proposed layout is not dissimilar to a standard albeit, a large rural dwelling. Having regard to the overall size of the building, it would not have the capacity to accommodate a significant number of residents/visitors at any one time. The applicant states the premises would accommodate a maximum of 14-17 persons including staff during retreats.

7.3.2. I note it is proposed to have a maximum of two retreats per month and week long retreats twice a year at the premises. The site has relatively large grounds (0.9 ha) and is quite isolated along a narrow boreen served by 8 houses. The closest dwelling to the main building on the subject site is c.62m to the northeast. I do not consider the number of people attending the premises for a retreat would generate a level of noise to nearby residents, as a mediation and wellness centre by its very nature tends to be a quiet type of use.

7.3.3. The appellant has raised the issue that the development may grow in the future but that is not a matter before the Board at this time, and a further increase in the level of activities/events or numbers attending would be considered on its own merits, should it arise. I would recommend however, if the Board are minded to grant planning permission the number of visitors attending the retreats and the number of events held on a monthly/yearly basis at the premises are conditioned as specified in the

planning application. I believe such a condition is necessary to protect the residential amenity. I also consider such a condition is precise and enforceable as specified in the Development Management Guidelines (2007).

#### **7.4. Accessibility and Traffic**

- 7.4.1. I note the appellant's concern about the sightlines into the site being below the minimum standards, but they are marginally below and as such the new entrance into the site would be acceptable, given the low speeds along this road due to its overall configuration. Regarding the closing of the existing access into the subject site, this would not preclude the occupier of the bungalow which currently shares the existing access with the subject site from accessing their property.
- 7.4.2. The applicant has provided a general breakdown of the level of traffic expected as a result of the development and I accept the conclusions as being reasonable based on a yearly level of activity. I also note the senior executive' engineer's comments regarding the vehicular speed on the laneway is below 30kph based on the low traffic volumes and combination of poor horizontal alignment, narrow road width, the right-angle bend to the north of the site, and poor road condition. Nevertheless, due to the site's location from the town centre and lack of public transport in the immediate area, the users of the proposed facility would be car dependent. I consider a Mobility Plan which would include users of the facility only travelling by public transport, or a bus service picking up the users of the facility from the town centre, would reduce the number of cars having to travel to the site, however I do not consider this could be considered by way of condition as the area is lacking any public transport provision.
- 7.4.3. Having visited the site, I consider that traffic generated by the proposal would be incapable of being accommodated on the existing road network, particularly by visitors to the subject site unfamiliar with the road layout. The laneway/road leading to the subject site cannot accommodate two cars passing at the one time, which would result in vehicles reversing along a narrow road which has no footpath provision. I accept to degree the applicant's traffic predictions based on the number of people attending the wellness/retreat centre over a yearly period and that departure and arrival times would be staggered. I do not think it would be possible to enforce the staggering of arrival/departure times and there would therefore be an

element of an influx of traffic at arrival/departure times during the retreat times along the laneway, which would not occur with a residential use. An increase in car activity/congestion along this laneway would prejudice the safety of pedestrians and vehicles using it.

- 7.4.4. I acknowledge the Senior Executive Engineer had no objection to the proposal on traffic grounds, however the use of this building as a wellness centre outside of an existing settlement promotes an unsustainable form of development, which would principally be dependent on private car transport and would lead to the creation of an unsustainable car dependent development. In conclusion therefore I consider the proposed use and the associated increase in vehicles along a restricted road/laneway is unsuitable in this location and is unsustainable and would endanger public safety by reason of a traffic hazard.

## 7.5. **Water**

- 7.5.1. The existing dwelling on the subject site is established and the water source for the property is according to the third party supplied by a neighbouring well. The appellants raise the matter that the potable water provision is 'as yet unresolved' and the subject site does not have its own potable water supply and is dependent on a good will basis on water from a neighbouring well in separate ownership. They contend the intensification of the occupancy and commercial nature of the premises would increase the demand on the water source, compared to a dwelling.
- 7.5.2. By way of further information a proposed well is indicated on Dwg. No. 33338-PL-001 Rev A located to the north of the existing dwelling house and would be in excess of 30m up-gradient from the proposed percolation area, and therefore meets the separation distances required in the EPA Code of Practice (2021). Condition 7 of the planning authority's notification to grant required the developer to provide and arrange for the continuous and indefinite maintenance of an adequate water supply of potable water for the domestic needs of the development. It is important in the interest of public health that the property has access to a supply of water, but in this instance there is no connection to the public mains available.
- 7.5.3. I am satisfied the proposed development would have access to potable water. Nevertheless, the issue of consent to use the neighbouring well is a civil matter to be

resolved between the parties, having regard to the provisions of Section 34 (13) of the Planning and Development Act 2000 as amended.

## 7.6. Adequacy of WWTS

- 7.6.1. The third party has queried the adequacy of the new WWTS in terms of its size (occupancy of 12 p.e) for the development. From the site characterisation form it is noted the site is located on a locally important aquifer with extreme ground water vulnerability. No bedrock was encountered during the tests, although mottling was encountered in the trial hole at a depth of 1.6m. Taking account of Met Eireann rainfall data there exists the potential for the water table to rise by approximately 0.35m above the recorded 1.6m level, thus indicating a potential design water table of 1.25m below ground level. The trial holes were carried out in September 2022 in accordance with the EPA Code of Practice (CoP) and indicated the site consists of silt/clay sub soil, which could account for the slow percolation rates, on Devonian Old Red Sandstone bedrock.
- 7.6.2. The site falls within the R2<sup>1</sup> groundwater response category where an onsite system is acceptable subject to normal good practice and, if the minimum depths are met on the site and suitable percolation exists. The site characterisation form makes no reference to the open drainage ditch to the western boundary of the site, which can be an indicator of low permeability subsoil and a consequent potential risk to surface water. However, this drain exceeds the minimum distance of 10m from the percolation area and, therefore, complies with Table 6.2 of the EPA CoP 2021.
- 7.6.3. The T- test results from the site characterisation form were carried out in accordance with CoP standards and indicated an average value of 181.30, which is an indication of a slow percolation area (i.e  $T > 120$ ) and the site is unsuitable to discharge to ground. The P-test results had an average sub surface rating of 47.96min/25mm, and surface rating of 43.99 min/25mm, indicating moderate percolation results.
- 7.6.4. The development has the potential to impact on ground and surface water. Following a further information request a secondary treatment system is proposed (O'Reilly Oakstown Treatment System) where the treated wastewater is to be pumped to a raised polishing filter. Details of the exact layout and construction methodology of the polishing filter is set out in section 5 of the revised site characterisation form and a cross section detail submitted by way of further information. A percolation mound

would be installed c.2m above the natural ground level with the polishing filter installed on a 250mm gravel layer to provide an aerated layer of soil to treat the effluent and provide a minimum separation distance of 0.9m between the potential water level and the proposed percolation piping. The proposed system will rely on pumping the effluent to the percolation area. The proposed WWTS is a Biological Aerated Filter (BAF) system where the effluent would be processed through three chambers before it is released to the percolation area.

- 7.6.5. The WWTS has been designed for a hydraulic loading rate of 1200 litres which equates to 12 Population Equivalent (P.E). Although this exceeds the required average daily hydraulic loading rate, it would be below the peak flow requirement for 14-17 persons when the retreats are in operation. The loading requirements were based on an EPA document Table 3<sup>1</sup> for recommended wastewater loadings rates for commercial premises. The applicant has based the loading rate as being similar to that required for function rooms (being 10 flow litres/day per person), although the rationale for using function rooms as a comparable type of use has not been justified.
- 7.6.6. The EPA Wastewater Treatment manual for businesses specifies at the design stage, detailed consideration should be given to the problems associated with the treatment of wastewater with large annual flow variations and the WWTS should be capable of dealing with specified load variations. I consider the hydraulic loading deficit in this respect as I consider the proposed use similar to a bed and breakfast type of use where the hydraulic loading would be higher than function rooms. A bed and breakfast use would allow for showers, toilets, washing machines, dishwashers, additional staff and periods of inactivity which would be different to that of function rooms and would equate to 250 litres/day person or 80 litres/day per person (bedroom only no meals) as specified in Table 3 of the aforementioned manual.
- 7.6.7. I am not satisfied the applicant has provided adequate calculations which compare the variable loadings (volumes and loads) to allow for the expected total daily volumes of the WWTS when the retreats are held. The nature of the proposed use, (i.e fortnightly and twice yearly use with up to 14-17 persons), would affect the

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<sup>1</sup> EPA Wastewater Treatment Manuals, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels 1999

Biological Oxygen Demand (BOD) and impact on the microbe performance of the WWTS and decrease its effluent quality, which has not been addressed by the applicant. I do not therefore consider the proposed WWTS has been robustly tested to reflect the intermittent occupancy/periods of inactivity/or the maximum potential use of the premises and the risk of a poor performing WWTS which relies on a pumping system to operate.

- 7.6.8. Given the soil conditions on the site, the poor permeability and, the reliance on a pumping system to treat the effluent, I am not satisfied that the standards in the EPA CoP have been adhered to, and there is the potential risk that the water quality (both groundwater and surface water) could be polluted given the fluctuations in use of the premises. In the event the Board is minded to grant permission for the proposed development, I recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent  $\leq 10$  (2021).

**7.7. Other issues:**

7.7.1. Inadequacy of drawings/validity of application

The third party has raised concerns that the site location map is deficient, namely the exclusion of a wayleave, land adjoining the site is not identified in blue and, the location of the site in relation to the surrounding area has not been properly identified to a satisfactory scale. I am satisfied the details submitted with the appeal and the planning application have not prejudiced third parties, and I do not consider the matters raised makes the appeal invalid. In conclusion therefore regarding the validity of the appeal, I consider the plans and particulars do not prevent the Board from making a decision on the proposed development.

7.7.2. Persons generally living outside of the county in support of the proposal

The third party has made reference to persons in support of the development living outside the county. I noted a number of people made a submission in support of the planning application to the planning authority. Article 29 of the Planning and Development Regulations 2001 as amended permits any person or body, on payment of the prescribed fee, to make a submission or observation in writing to the planning authority in relation to a planning application within the prescribed period.

### 7.7.3. Unauthorised works

The appellant suggests that unauthorised works have occurred including the conversion of the garage to habitable accommodation. Having visited the site, I could see no evidence of the garage being used for habitable accommodation, although I noted there was a large, glazed door on the front elevation with a curtain behind. Furthermore, there was no evidence of unauthorised works referred to in the planning history set out in the planning authority's planner's report. In the absence of such details, it is not possible to comment on any alleged unauthorised development. Nevertheless, the matter of enforcement falls under the jurisdiction of the planning authority, and I would remind the board that enforcement issues are not a matter for the board.

### 7.8. **Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, it is my opinion the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site. There is no hydrological link between the drain on the western boundary and any Natura 2000 site.

## 8.0 **Recommendation**

8.1. It is recommended the development is REFUSED for the following reasons and considerations.

## 9.0 **Reasons and Considerations**

|    |   |
|----|---|
| 1. | Having regard to the location of the proposed development approximately 2.7 kilometres from the town centre, the development would be principally dependent on private car transport, and would lead to the creation of an unsustainable car dependent development. The proposed development would therefore increase the volume of traffic using the existing minor road which is deficient in terms of alignment, width and lack of footpath connectivity to the site. The traffic generated by the proposed development would endanger public safety by reason of a traffic hazard and obstruction |
|----|---|



|    |   |
|----|---|
|    | to road users and would, therefore, be contrary to the proper planning and sustainable development of the area.   |
| 2. | Having regard to the soil conditions and predicted wastewater loading rate for the development, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and development of the area. |

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Catherine Dillon  
 Planning Inspector  
 16<sup>th</sup> February 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|   |   |                  |   |
|---|---|------------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | 316126-23   |                  |   |
| <b>Proposed Development<br/>Summary</b>   | Change of use from existing residential to proposed retreat/wellness centre with new single storey rear extension, minor internal alteration, new vehicular entrance and car parking, provision of new waste water treatment system and all associated works. |                  |   |
| <b>Development Address</b>  | Ballycorrigan, Ballina, Co.Tipperary, V94 9P38  |                  |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |   | <b>Yes</b>       | <b>X</b>                                    |
|   |   | <b>No</b>        | No further action required                  |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>   |   |                  |   |
| Yes   |   |                  | EIA Mandatory EIAR required                 |
| No  | X   |                  | Proceed to Q.3                              |
| <b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b> |   |                  |   |
|   |   | <b>Threshold</b> | <b>Comment<br/>(if relevant)</b>            |
|   |   |                  | <b>Conclusion</b>                           |
| No  |   |                  | No EIAR or Preliminary Examination required |
| Yes   |   |                  | Proceed to Q.4                              |

**4. Has Schedule 7A information been submitted?**

|            |  |   |
|------------|--|---|
| <b>No</b>  |  | <b>Preliminary Examination required</b> |
| <b>Yes</b> |  | <b>Screening Determination required</b> |

**Inspector:** Catherine Dillon

**Date:** 16<sup>th</sup> February 2023