



An
Bord
Pleanála

Inspector's Addendum Report ABP 317683-23A

Development	House, wastewater treatment system, garage, entrance and associated works.
Location	Glaskenny, Enniskerry, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23384
Applicant(s)	Brian Sutton
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Paul and Georgina Flynn
Observer(s)	None
Date of Site Inspections	18/09/2023 and 24/08/2024
Inspector	Rosemarie McLaughlin

1.0 Introduction

- 1.1. Further to my report dated 30th September 2023, the Board issued a notice under section 131 of the Planning and Development act 2000, as amended, on one issue of site drainage and the potential effect on the ability to enable effluent from the development to be satisfactorily treated and disposed of on the site.
- 1.2. A first party response was received on the 17th May 2024. The third party appellant made submissions on the circulated response, received on the 4th and 16th July 2024. The Planning Authority did not respond.
- 1.3. In my report of 30th September 2023, I noted a new issue that had not been raised in the appeal or planning decision where the submitted application provided that the site was suitable for a wastewater treatment system, but I noted that the trial hole area on the site was full of water and appended a photograph (No.5) of same.
- 1.4. This addendum report is confined to the issue circulated to the parties.

2.0 Site Location and Description

- 2.1. The details are included in my report of 30th September 2023. I have revisited the site when it was dry. In relation to the issue circulated and the subsequent submissions to the Board, the trial hole area is now covered over with vegetation and pallets and the excavated material piles have been removed. The ditch referred to in the third party submission along the roadside is obscured by heavy roadside planting but was evident at varying depths and was dry. There was a plastic barrier visible in one part of the trial hole area among the vegetation.

3.0 Relevant Planning Authority Reports - application

3.1.1. EHO report 28/4/2023

A senior environmental health officer provided the planning section a one page report, where a questionnaire responded, inter alia, the following question under the topic drainage.

Is ground suitable for effluent disposal Yes

The report states the site was visited on 26/4/2024.

No comments are made about the site.

4.0 Relevant planning history in vicinity

4.1. Since my last report, I note from reviewing the planning decisions in the vicinity, that permission has been granted (05/06/2024) on the site to the north of the application site (home of third party appellant).

- WCC Ref. 24/60080: Removal of existing septic tank, installation of new wastewater treatment unit and soil polishing filter to current regulations and associated works at Glaskenny, Enniskerry, Bray, granted permission, subject to 3 conditions.

5.0 Relevant Policy

5.1. The Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) Code of Practice 2021 (EPA COP 2021) is the relevant policy document on wastewater disposal for one off houses.

6.0 Section 131 submission by applicant (first party)

6.1. A cover letter from the agent for the first party, Alphaplan Design, refers to a detailed response prepared by L/K design, who carried out the initial site assessment. A letter signed by Liam Kenna on headed paper of L/K Design includes the site characterisation report submitted with the application with the following summarised points.

- The topography is mainly mountainous, within the Wicklow Groundwater Body (GWB), composed primarily of low permeability rocks although localised zones of enhanced permeability occur as in the application site.
- The groundwater vulnerability is high (H) where bedrock may be within 2m of ground surface (1m to water table during site suitability assessment).

- Groundwater protection schemes (GPS) and groundwater protection responses (GWPRs) are explained (per paragraphs 1 and 2 of page 111 of the EPA COP 2021).
- The prepared report for the planning application “identified that no water table was event¹ [evident] on the day of the test”. The GWPS is R1, the GWPS is acceptable, and no additional measures are required.
- The surface and subsurface test results were 11.50 and 12.53 respectively, within the EPA COP 2021, and a recommended system En12566/3 and SR66 certified was proposed.
- The required separation distances from wells, dwellings, boundaries, streams/ditches are achieved. The slope and site size are achieved. The proposed system is more than 10m from streams and drainage ditches, the nearest stream is 600m away (the River Dargle).
- There will be no measurable impact on groundwater. The proposal accords with the EPA COP 2021.

The site characterisation report is attached to response. In summary and of relevance to the issue raised:

- Section 3, site assessment, states depth of trial hole is 2m and indicates the excavation took place on 21st October 2021 at 10am and examination took place on 23 October 2023 at 10.00.
- Depth from ground surface to ground surface bedrock (if present) and to water table (if present) is left blank. Surface features within a minimum of 250m (distance to be noted in meters) are required to include to watercourses/streams and drainage ditches. The response refers to attached drawings and that the proposed is the required distance from all streams and drainage ditches in the area.
- Step 1, trial hole (TH) preparation indicates three THs were prepared (400mD x 300mL x 300mB).

¹ There appears to be a typographical error and should read evident

- Step 2, pre soaking (each TH should be pre soaked twice before the test is carried out). The pre-soak for the subsurface test (section 3.3.(a)) started at 10.00 on 22nd October 2021 and the second pre-soak started at 13.00 on 22nd October 2021. The surface test (section 3.3(b)) started at 10.00 on same day and the second pre-soak is stated at 14.00.
- Step 3, the subsurface percolation test, indicates the date of the test is 16th October 2021. The three THs were filled at the same time 9.00am. The average time of the three THs to drop 100mm (T100) is indicated as 16.67 minutes.
- Step 4, standard method, indicates a subsurface percolation value of 12.53 min/25mm and the comment states the site is deemed suitable for development as proposed.
- The surface percolation test indicates the date as 16th October 2021 where the average T100 is 95.00.
- Section 3.4 indicates a list of maps, drawings and photographs etc to be included (time referenced).
- Section 4 ,conclusion, considers the site suitable for development with a discharge to ground water.
- Section 5 selects a 6 person WWT unit and 50 sqm soil polishing.
- Section 7, site assessor details, include that the date of the report is 26th October 2021, the qualification states Fetac and the indemnity insurance is attached for a business description of architect.

7.0 Response to first party submission by third party appellant

7.1. The response may be summarised as follows:

- The existing agricultural site is served by a drainage ditch to the front of the site, which runs off directly to the Dargle/Glencree river. The site plan seeks the removal of all drainage to the front to be replaced by a small grass verge. The removal of the ditch and the new driveway access point will result in groundwater from the site draining directly onto the public roadway,

particularly during heavy rain, and will cause flooding across the third parties driveway.

- Wicklow County Council placed a planning condition that no surface water runoff shall be allowed to flow onto the public roadway or adjoining properties etc. The runoff may also contain animal waste from animals in the fields.
- The proposed septic tank and percolation area is within 5 metre of the existing drainage ditch which is downslope and not the required 10 metres. It is assumed to remove the existing ditch and flatten the verge.
- A 6 inch first edition Ordnance Survey map shows the existing site with water written on the map.
- This applicant site map as part of further information is inaccurate in the ground flow direction.
- CPO 13.16 from the Wicklow County Development Plan is referred to and was summarised in the planners report.

8.0 Response to first party submission by Planning Authority

8.1. None on file.

9.0 Assessment

9.1. Wastewater disposal

- 9.1.1. The Site Characterisation Report (SCR) has not been amended and has been resubmitted. A letter from Liam Kenna who completed the SCR, explains elements of the wider receiving environment and the Wicklow Groundwater Body (GWB). No additional information is provided regarding trial holes in the submission.
- 9.1.2. Having reviewed the SCR, it may be noted that the trial holes were excavated in October 2021. The EHO inspected the site in April 2023 and reported the proposal was acceptable with no comments about the site. As noted in my previous report, I inspected the site in September 2023 and observed the trial hole area soaked full of water on a dry day. At that time, the excavated mounds were still evident on the site. Such an observation raises a concern that water may not percolating or may occur

from the water table. From my recent inspection, the trial holes are now vegetated over, and the excavated mounds are gone. The trial hole area may have been backfilled and pallets are also evident in the area and therefore there is no way to further visually assess this issue.

9.1.3. The third party response is mainly focused on the roadside drain and roadside landscaping that will be removed to provide a setback and the resulting surface water that will flow onto the public road. They submit photographs of the roadside ditch with water evident therein. The third party is correct, a drainage ditch is located within the area of a dense boundary hedge and planting. I did not note this ditch in my previous report.

9.1.4. The third party considers that the water flows south east towards the road. The SCR attachment does not contain a north point, and I consider that the site slopes downwards from west/northwest so the surface water would logically flow east and south east in direction, towards the road and existing drain. The SCR states the ground flow direction is south west.

9.1.5. The provided SCR values are summarised in section 6.1 above. As noted in my previous report, the provided values indicate that the site meets the criteria in the EPA COP 2021 for a wastewater system as proposed.

9.1.6. I also highlight the following points from the SCR, some of which appear to be typographical errors and/or omissions.

- The s131 response states the nearest stream is 600m and the SCR states in answers to surface features within 250m “please see attached drawings-proposed is required distance from all streams in area”. Having examined the EPA mapping, a stream exists to the east of the application site, within 250m of the application site percolation area (c 215m). The river body code is IE_EA_10D010100, segment code 10_509, EPA name Glaskenny, EPA code 10G17 which flows into the River Dargle.
- The SCR refers to the attached drawings which do not illustrate any drainage ditches. A ditch is located along the roadside of the application site which is variable in depth between the verge and extensive roadside high vegetation. It is not noted on the application drawings or site plan and is not included in the boundary description. The ditch disappears at the current agricultural access

to the site and then becomes evident in front of the house to the north of the application site (home of the third party). A roadside ditch is evident in the wider area along the western side of the local road in a variety of conditions.

- All houses within 250m are not illustrated in the drawing in the SCR appendices. A house is present on the opposite side of the road to the south east c 140m.
- The SCR indicates the time frames of the trial hole excavation and process which are inconsistent as follows:
 - trial hole percolation excavation date 21st October 2021, time 10.00 am
 - pre soakage date 22nd October 2021, times 10.00 and second soak at 13.00 for subsurface test and 14.00 for surface test.
 - measuring T100 date 16th October 2021 start time 9.00 for all three trial holes (subsurface percolation for subsoil) (section 3.3a)
 - measuring T100 date 16th October 2021 start time 10.00 for all three trial holes (surface percolation for soil) (section 3.3b)
 - date and time of examination 23rd October 10.00
 - The measuring dates precede the other dates, and the pre soakage second test times are inconsistent.
- The photographs are not date stamped per section 3.4 of EPA COP 2021.
- A sketch with dimensions is provided but not to scale per section 3.4 of EPA COP 2021. The test hole locations are not specifically provided just a wording trial hole. The submitted drawing attached to SCR does not contain a north point per the EPA COP 2021 Guidance.
- The depth to bedrock and depth to water table is left blank indicating no presence in the trial hole. The first page of the submission on foot of the s131 request, after discussing the ground water vulnerability classification as high(H) states “1m to water table obtained during site suitability assessment”.

9.1.7. The EPA COP 2021 (section 5.4.2) provides the trial hole is potentially the most important part of the site assessment process. Page 22 also provides the trial hole should remain open for a minimum period of 48 hours to allow the water table (if

present) to establish itself. The dates and times are summarised above. It appears that the assessor has incorrectly inputted the incorrect date and time for carrying out the T100 tests as the 16th of October is a date that preceded the excavation and it is more likely that they did the test on 23rd October, but it is not certain.

- 9.1.8. The omissions of the stream and ditch from the SCR details are outlined above. The ditch is less than 5m from the proposed percolation area and the stream over 200m to the east is downhill of the application site but within the 250m range. The application indicates that the setback boundary will be reinstated to a landscape plan but does not refer to the drainage ditch. In EPA COP 2021 Table 6.2 provides the minimum separation distances from the entire DWWTS including 10m to a drainage or open ditch from the periphery of tank/plant and infiltration/ treatment area. The water level in the ditch is also required to be provided.
- 9.1.9. While there is no acknowledgment of the existing ditch which provides drainage along the roadside, the applicant appears to be removing the ditch and the layout drawing notes a new roadside boundary will be setback behind sight lines and the new grass verge will be banked. Two soak pits are proposed north and south of the proposed WWT system. The third party have submitted photographs including the ditch with water on a clearly after rain.
- 9.1.10. Having regard to the submission to the Board I consider the applicant had an opportunity to review the SCR and review the surface features existing within a minimum of 250m as I have done above and in particular the ditch should have been highlighted. The dates and details could have been corrected. Details of removal of a ditch should be included in an application and details to allow assessment. No section through the site accompanied the planning application as noted in my first report which would provide a clearer assessment of the impact of the development on the sloping site.
- 9.1.11. While the applicant did not include the stream to the east, it may be noted that it is significantly outside Table 6.2 of the COP minimum separation distances of 10m required and that criteria would be met. While the SCR is correct, the proposal is required distance from streams, there is an obligation to provide the details within 250m.

9.1.12. I acknowledge the time frame from the excavation of the trial holes in 2021 to the time of 2023 application, the later assessment by the PA and my first inspection is significant, however the area was evidently full of water when I inspected it in September 2023. The day was dry but had rained the day before. As the trial hole area was not covered, the area could have been waterlogged from surface water as it is downhill within the landholding or for other reasons but this is not within my knowledge. The assessor and the PA consider that the results provided in the SCR indicate the site is suitable for a wastewater treatment system as proposed. In this regard, I consider that the submission made by the applicant is generally not satisfactory and, in conjunction with my previous report where permission was recommended to be refused for two reasons that an additional reason for refusal should be included.

10.0 Recommendation

10.1.1. I recommend that an additional reason for refusal should be included.

3. Having regard to the application, appeal and further submission by the applicant to the Board, the Board is not satisfied that the application has been accompanied by a satisfactory Site Characteristic Assessment in accordance with The Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) Code of Practice 2021, as the required information on existing surface features within 250 meters does not include the existing road side drainage ditch adjacent to the site, or the stream to the east (river body code IE_EA_10D010100, segment code 10_509, EPA name Glaskenny, EPA code 10G17) which flows to the Dargle River. Furthermore, the Board considers that there are inconsistencies in the dates provided for the trial hole assessments and the requirements set out in section 3.4 of the Site Characteristic Assessment have not been fully complied with. In the absence of a satisfactory Site Characteristic Assessment, and having regard to the conditions observed on the site, the Board is not satisfied, that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health.

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.

Rosemarie McLaughlin
Planning Inspector

26th August 2024