



An
Bord
Pleanála

Inspector's Report ABP318064-23

Development	Permission for a proposed wastewater treatment system to EPA standards to serve granted dwelling and to replace existing septic tank and associated works.
Location	Tree Tops, Ballymacahara, Ashford, County Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	23582.
Applicant	Charles Featherstone.
Type of Application	Planning permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellants	Des Kennedy and Liz Kennedy.
Observer(s)	None.
Date of Site Inspection	7th February 2024.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located at the southwestern fringe of the built up area of the village of Ashford in County Wicklow. The site fronts onto a local road which defines the site's southeastern boundary. The site rises from the road in a northwesterly direction. On the site is a dwelling which at the time of inspection was under construction. The entrance to the site is located at the southeastern corner of the site and there are mature trees along the roadside boundary and within the site. There are dwellings located along the public road including on the opposite side of the public road and to the west and east of the site.
- 1.2. The site has a stated area of 0.96 hectares.

2.0 Description of Development

- 2.1. The proposed development is for permission for a proposed wastewater treatment system for a PE equivalent of 6 persons to EPA standards to serve a dwelling and to replace existing septic tank and associated works. The site it is stated is connected to the public mains for a water supply.
- 2.2. The proposal is to serve a dwelling granted permission under P.A. Ref. No. 22/1330 which was initially proposed to connect to the public sewer but it subsequently emerged that it was not possible to connect to the sewer due to the invert level of the manhole identified as higher than that the point where the sewer pipe can be located.
- 2.3. The proposed WWTP is located in the northern area of the site and also proposes the installation of a soil polishing filter with piping of 50 metres to EPA standards in accordance with the site assessment report submitted as part of the application. The site assessment report recommended the installation of secondary treatment system and polishing filter based on percolation test results which were submitted with the planning application.

3.0 Planning History

P.A. Ref. No. 22/1330

Permission granted for the proposed demolition of an existing dwelling and its proposed replacement dwelling with connection to main sewer, proposed garage and associated works.

4.0 National/Regional/Local Planning Policy

4.1. Local Policy

The relevant plan is the Wicklow County Development Plan 2022-2028.

There is a plan for the town of Ashford, the Ashford Town Plan 2022-2028 and the site is located within the development area boundary within the zoning RE Existing Residential.

4.2. National Guidance.

EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021 provides guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10 and sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

The CoP in the various chapters sets out in detail requirements and guidance on site characterisation, site suitability assessment, determining site suitability and the appropriate design solution in relation to an appropriate DWWDT. It also refers to designing an on-site DWWTS to treat and dispose of the waste water addressing can the soil and/or subsoil accommodate the waste water volumes, can the soil and/or subsoil treat the waste water sufficiently and can all minimum separation distances be met.

5.0 Natural Heritage Designations

None relevant. The site is not within a Natura Site or directly connected with a Natura Site

6.0 Planning Authority Decision

- 6.1. The decision of the planning authority was to grant planning permission subject to four conditions.

Condition no 2 refers to the proposal as linked to a permission for a dwelling granted permission on the site under P.A. Ref. 22/1330.

6.2. Planning Authority Reports

6.2.1. Planning Reports

The planning report dated the 24th August 2023 refers to the planning history to other reports of the planning authority and Uisce Éireann. The report assesses the current proposal in the context of previous application on the site and planning permission is recommended.

7.0 Third Party Appeal

7.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The appellant refers to the run off from the appeal site is badly polluted and flows into a watercourse and well and contains faecal matter. The grounds includes submissions made to the planning authority.
- The appeal refers to planning applications P.A Ref. Nos 23/582 and 22/1330.
- Reference is made to the issue of the danger of trees impacting their property made in a submission to the planning authority and that in lieu of the appellant addressing this concern they would not object to his proposed dwelling.
- The issue of runoff arising in periods of heavy rain endangers tress and overwhelm a percolation area.
- A result of a microbiological test is submitted indicating excess levels of E.coli and Enterococci parameters in relation to drinking waters.

8.0 Appeal Responses

8.1. The applicant in a response in summary refers to;

- The appeal refers to planning applications P.A Ref. Nos 23/582 and 22/1330 and is invalid and the current application is 23/582.
- The application was accompanied by a full and concise site assessment report which proposed the type of wastewater treatment system to be installed in accordance with the EPA Code of Practice (CoP) which was accepted by the planning authority.
- Reference is made to a well which located outside of the boundaries of the appellants' property and it is unclear if this in use as properties in the area are connected to public mains.
- The granted system replaces a septic tank further away from the appellants' property.
- Reference to trees is not relevant to the current application.

9.0 EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

10.0 AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, the nature of the foreseeable emissions therefrom, connection to existing services and the distance from any European site, it is concluded that no Appropriate Assessment issues arise as 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.

11.0 **Assessment**

11.1. The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Grounds of appeal.

11.2. **Principle of the development.**

11.2.1. The proposal as submitted is for permission for a proposed wastewater treatment system for a PE equivalent of 6 persons to EPA standards to serve a dwelling and to replace existing septic tank and associated works. The dwelling as granted permission was initially proposed to connect to the public sewer but it was subsequently established that it was not feasible technically to connect to the public sewer and the current proposal is required to serve the dwelling. The proposal as submitted which is to serve a dwelling already permitted is acceptable in principle.

11.3. **Grounds of appeal**

11.3.1. The decision of the planning authority was to grant planning permission. The grounds as submitted refer to issues of run off from the appeal site as badly polluted and flows into a watercourse and well and contains faecal matter, runoff arising in periods of heavy rain endangers trees and overwhelming a percolation area, refers to the planning history and also to the danger of trees impacting their property

11.3.2. The proposal as submitted is for a WWTP and as already indicated arises from the need to provide this form of treatment to serve the dwelling in the absence of being able to connect to the public sewer. In this regard it is linked to a permission for a dwelling granted permission on the site under P.A. Ref. 22/1330 and condition no 2 of the planning authority reflects this.

11.3.3. The issue of trees raised in the grounds of appeal is not pertinent to the proposal as submitted.

11.3.4. In relation to the current proposal the proposed WWTP is located in the northern area of the site and also proposes the installation of a soil polishing filter with piping of 50 metres to EPA CoP standards in accordance with the site assessment report

submitted as part of the application. The site assessment report recommended the installation of secondary treatment system and polishing filter based on percolation test results which were submitted with the planning application.

- 11.3.5. The dwelling and other dwellings in the area are served by a public water supply and there is no indication that historic wells in the area are used for potable water. An existing septic tank on the site is to be decommissioned and filled with inert material.
- 11.3.6. Having examined the details submitted in the Site Characteristic Report (SCR) and the ground testing results the proposal as submitted would I consider comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021 which provides guidance on domestic waste water treatment systems, the method to providing percolation of effluent which is sized based on the testing and the construction and placement of percolation areas to provide for satisfactory treatment of effluent prior to discharge to groundwater. The details as submitted provide for the installation of piping as a level with an overlay of a geotextile layer and topsoil to prevent infiltration of surface water.
- 11.3.7. The removal of the existing septic tank will further facilitate the removal of a potential source of adverse discharge as it is being replaced by a treatment system of a higher standard. There is nothing to indicate that arising from the details submitted that contamination of wells will arise from the proposed WWTP.

12.0 Recommendation

- 12.1. I recommend that permission be granted.

13.0 Reasons and Considerations

Having regard to the nature of the proposed development which is to serve permitted dwelling it is considered that, subject to compliance with the following conditions, the proposed development would not be seriously injurious to the residential amenities of the area or prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 5th July 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this grant of permission the development shall be carried out in accordance with the terms and conditions of the permission granted under planning register reference number WCC Reg. Ref.22/1330. The duration of the permission granted therein shall expire with the expiration of the planning register reference number WCC Reg. Ref.22/1330 save where the duration of planning register reference number WCC Reg. Ref.22/1330 is extended pursuant to Section 42 of the Planning and Development Act 2000 as amended.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>1 (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 5th day of July, 2023, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p>

	<p>(d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(e) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(f) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
4	<p>Upon completion and commissioning of the upgraded effluent treatment system the existing septic tank on the site shall be removed or decommissioned and filled with inert material and details relating to this shall be submitted to the planning authority.</p> <p>Reason: In order to safeguard and protect groundwater.</p>

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.

Derek Daly
Planning Inspector

12th February 2024