



An
Coimisiún
Pleanála

Inspector's Addendum Report

ABP-319651-24A

Development

Retention: To retain extension with material alterations along with permission to complete retained extension, widening of existing entrance and all associated site works.

Location

Com Dhineol, Dun Chaoin, Tra Li, Co. Chiarrai, V92 E6R7

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2460090

Applicant(s)

Colm and Jane O'Loghlen

Type of Application

Retention Permission and Permission

Planning Authority Decision

Refuse retention permission and refuse permission

Type of Appeal

First Party

Appellant(s)

Colm and Jane O'Loghlen

Observer(s)

None

Date of Site Inspection

19 August 2024

Inspector

Claire McVeigh

1.0 Introduction

- 1.1. This report is an addendum report to the Planning Inspector's report in respect of ABP-319651-24 (dated 13th March 2025).
- 1.2. On the 14th March 2025 the Board decided to defer consideration of this case to issue a section 132 notice in respect to three items as follows:
 - a) a completed Site Characterisation Form (SCF) demonstrating the suitability of the proposed wastewater treatment proposal,
 - b) details of proposed surface water soakpit, and
 - c) site layout plan and visual impact assessment of the works required for the installation of the site-specific wastewater management system.
- 1.3. This report considers the submission made in response to the request for further information. I note that the submission received from the applicant in response to the section 132 notice was circulated to the planning authority.

2.0 Response to S132 Notice served on 21st March 2025

- 2.1. The applicant submitted the following documents:
 - Completed Site Characterisation Form (SCF) by Patrick O'Grady (O'Grady Site Assessments & Wastewater Solutions), photographic record of visual inspection, percolation test results, Drawing No. 05 'Aerial View of Distribution Layout' and site assessment conclusions.
 - Drawing by DMA Architects (ABP-P002) indicating 2 no. proposed soakaways.
 - Site Layout Plan (ABP-P002) indicating proposed works, photomontage and photo overlays illustrating integration of wastewater and surface water elements below ground.

3.0 Response from the Planning Authority

3.1. The planning authority has submitted a memo from the Environment Department Site Assessment Unit (SAU). The SAU stated that it carried out a site visit on the 22nd June 2025. The SAU consider, having regard to the conditions on site, and the proposed increase in floor area from what was a 76.3 sq. m dwelling to a proposed 148.2 sq. m dwelling that the following information would be required to make any decision:

- A detailed site layout plan drawing, to an appropriate scale to include all separation distances to slope breaks from the proposed polishing filter and the separation distance between the proposed MAU to the public road and existing stream on the boundary of the site as set out in Table 6.2 of the Environmental Protection Agency Code of Practice "*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*". The location of the trial hole and each percolation test hole must also be shown.
- Due to the profile of the site and the ground conditions that were visually inspected during site visit, the SAU request the applicant to excavate a new trial hole near the proposed polishing filter. The assessor/applicant would inform the SAU & Planning Authority in writing when the trial hole has been excavated and would be available for inspection. To comply with the requirements of the EPA Code of Practice the trial hole would be left open for at least 48 hours prior to inspection. Trial holes would be left open, covered and fenced off. The SAU would notify the site assessor when the inspection has been carried out and advise that the trial holes would be filled following this notice.
- The SAU request that the assessor mark or peg out the location of the proposed polishing filter for visual inspection on site.
- Clarification sought that the pump proposed from the treatment tank is capable of pumping the effluent from the lower part of the site to the treatment system 4m higher as should in drawing titled 'Longitudinal Section' provided.

- Clarification sought whether the dwelling is a “seasonal amenity” and if so, has the proposed wastewater treatment system been designed to account for idle periods.

4.0 Assessment

4.1. Suitability of the proposed wastewater treatment system

4.1.1. The proposed development comprises retention of an extension to an existing dwelling, providing 1 no. additional bedroom, providing 2 no. bedrooms instead of the existing 1 no. bedroom. I note that the submitted Site Characterisation Form (SCF) states that the number of bedrooms is 3 and maximum number of residents is calculated as 5. Notwithstanding, the submitted drawings illustrate only 2 no. bedrooms (Drawing No. PP-006).

4.1.2. The SCF sets out the following:

- Aquifer- Locally Important with extreme vulnerability.
- The depth of the trial hole is stated to be 2.3 (M) and that the depth to groundwater and bedrock is greater than 2.3m. It is further stated that no bedrock or water table was encountered.
- Ground water protection response (GWPR) is correctly identified as R2¹
- There is a steep slope north to south and slope is indicated as >1:5. In respect to the proposed percolation area the SCF states that the slope is 1:10.
- Outcrop rock is noted as visible to the rear of the subject site.
- A stream runs along the south-eastern boundary of the site. It is stated in the SCF that Groundwater flows from northeast to southwest.

4.1.3. A subsurface percolation test for subsoils was carried out and the subsurface percolation value is stated as 14.08 (min/25mm). I highlight to the Commission that no surface test was undertaken. It is stated in section 3.2 of the submitted SCF that a surface test was not applicable due *“to the topsoil cover having been cleared in the*

proposed percolation area and the overall steep slope on the site". EPA's Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) ('Code of Practice') sets out how the treated wastewater in an Option 2 Pumped Discharge (as is proposed in the current application) must be evenly distributed across the layer of gravel and that low-pressure pipe distribution may be adopted in this context (section 10.1). I note from the submitted further information that the proposed system will be installed and discharging entirely below ground surface and, as such, a surface percolation test is not required in this instance. The SCF states that: - *"Based on the evidence of the trial hole evaluation there will be 1.5m of good quality soil available for attenuation underneath the distribution gravel layer"* and as such determines that the ground condition is suitable for the proposed WWTS.

- 4.1.4. As already set out above, section 3.0, the planning authority have not recommended a refusal of permission in their submission but has identified the need for further details in respect to both the location and type of wastewater system being proposed given the profile of the site and ground conditions that were evident on their site inspection. I would concur with the planning authority as I found on my site inspection, given the ground works undertaken, it was difficult to establish the original ground conditions/ vegetation indicators at the location of the proposed polishing filter. The planning authority, in their response to the further information, requests that the applicant excavates a new trial hole near the proposed polishing filter for their inspection.
- 4.1.5. The SCF notes that the existing septic tank and soak-away are too near the stream on the southeast boundary and needs to be decommissioned. I consider that the proposed replacement Mechanical Aeration Unit (MAU) appears also to be close to the stream, however, the separation distances have not been provided. I highlight to the Commission that the Code of Practice does allow for potential variances to the requirements set out where the existing WWTS is being upgraded and cannot meet requirements (sections 1.3 and 2.2 refer). In this instance variances to the requirements set out in the Code of Practice may be considered appropriate given there is an existing septic tank, stated to have been installed by Kerry County Council approximately 15 years ago after an older system was damaged during roadworks to the adjoining bridge. Given the site constraints, including the sloping topography and proximity to the adjoining stream, I am of the view that the design of

an appropriate upgrade to the WWTS would be best addressed by way of condition to enable the planning authority and SAU to inspect a new trial hole, consult and agree a bespoke solution.

- 4.1.6. Separately I note the identified proposed locations of 2 no. soakaways on Drawing No. ABP-P002 and I consider that the location of same may need to be altered subject to the agreement of a bespoke solution referred to above.
- 4.1.7. Therefore, in conclusion on this point, I am of the opinion that the application without modification of the requirements of the EPA's Code of Practice is not appropriate in these circumstances. In the event the Commission is minded to grant retention permission and grant permission that this matter could be addressed by way of condition to enable the planning authority to be satisfied that the proposed upgrade will protect human health and the environment.

4.2. Visual impact assessment

- 4.2.1. A site layout plan indicating the proposed works, photomontages and photo overlays has been provided to illustrate the integration of wastewater and surface water management below ground. It is stated in the submitted visual impact assessment that the waste and surface water disposal elements are discretely integrated below ground preserving the site's visual character and leaving the landscape unchanged from view. I consider that in the event the Commission is minded to grant retention permission and permission that a condition could be attached to ensure that appropriate landscaping and planting is provided to assimilate the development into the surrounding rural landscape.

4.3. Financial Contribution

- 4.3.1. Drawing PP-006 sets out that the existing ground floor area is 108.3 sqm and that the area of retained works is 39.9 sq.m. I note that these figures vary significantly from that of the planning authority which states that the proposal seeks to proposed increase in floor area from what was a 76.3 sq. m dwelling to a proposed 148.2 sq. m dwelling. Furthermore, when comparing the plans and particulars from the previous application planning register reference 21/736 the existing dwelling is shown to have a total area of 60sq.m, shed area 8 sq.m and outbuilding of 24 sq.m.

There appears to be discrepancies between the drawings submitted. From review of the submitted plans and particulars in the current application I note that the applicant is including the existing shed and the detached outbuilding (24 sq.m), referred to as studio, as part of the original dwellings floor space.

- 4.3.2. I am of the opinion that the conversion of the 'studio' to residential use and new building extension linking it with the original dwelling would cumulatively exceed 40 sq. m, the applicable threshold of residential extensions in Kerry County Council's Development Contribution Scheme, as such the net additional residential floor area would be subject to a development contribution.
- 4.3.3. I highlight to the Commission that the current Kerry County Council Development Contribution Scheme (2017) allows no reductions/exemptions in the case of an application for retention permission. Applications for retention shall be charged a rate of 150% of the standard Roads & Transport Contribution and Community & Amenity Contribution. In the event the Commission is minded to grant this issue can be addressed by way of condition.

5.0 Environmental Impact Assessment

- 5.1.1. Please refer to Planning Inspectors report dated 13 March 2025. The further plans and particulars, as received on the 14 May 2025, do not result in a change to the pre-screening determination.

6.0 Appropriate Assessment

- 6.1.1. Please refer to Planning Inspectors report dated 13 March 2025. The further plans and particulars, as received on the 14 May 2025, do not result in a change to the Screening Determination contained within.

7.0 Recommendation

- 7.1. It is recommended that retention permission and planning permission is granted for the reasons and considerations set out below.

8.0 Reasons and Considerations

- 8.1.1. Having regard to the location of the site within a natural fold in the landscape which constrains direct views of the building, the proposed upgrade of the existing septic tank and the reduced rural road speed limit it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities and would not interfere with the character of the landscape, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 2 day of May 2024, and further plans and particulars received by An Coimisiún Pleanála on the 14 day of May 2025 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.

Reason: In the interest of clarity.

2. Prior to any works being undertaken in respect to the proposed replacement wastewater treatment system (WWTS) the applicant/developer shall following consultation with the Site Assessment Unit (SAU) and the planning authority:
 - a) Excavate a new trial hole near the proposed polishing filter. The location of the proposed polishing filter shall be marked or pegged out for visual inspection on site. The assessor/applicant shall inform the Site Assessment Unit (SAU) and the planning authority in writing when the trial

hole has been excavated and is available for inspection. The trial hole shall be left open for at least 48 hours prior to inspection. Trial hole shall be left open, covered and fenced off. The SAU shall notify the site assessor/applicant when the inspection has been carried out and advise that the trial hole to be filled in.

- b) Following (a) and further consultation with the SAU and planning authority a revised detailed site layout plan drawing to include all separation distances to slope breaks for the proposed polishing filter and the separation distance between the proposed Mechanical Aeration Unit (MAU) to the public road and existing stream on the boundary. The locations of the trial hole and each percolation test hole must be shown.
- c) Submit written details and specifications to demonstrate that the proposed pump from the MAU is capable of pumping from the lower part of the site to the proposed polishing filter location.
- d) Submit written details and specifications to demonstrate that the type of replacement WWTS proposed is suitable for the use of the dwelling.

No site preparation and/or construction works in respect to the WWTS shall be carried out on site until the plans and particulars listed (a-d inclusive) above has been submitted to and approval to proceed is agreed in writing with the planning authority.

Reason: In the interest of public health and to prevent water pollution.

- 3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties and shall be collected and diverted to discharge to existing watercourses or to drains or soakpits.

(b) The access driveway/car parking area to the development to be retained and completed shall be constructed using permeable paving and provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of sustainable drainage, to prevent pollution and traffic safety.

4. The site shall be landscaped, using only indigenous deciduous plants and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid immediately upon the commencement of development to be completed or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Claire McVeigh
Planning Inspector

31 July 2025