



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323154-25**

### Development

Retention of the amended site boundaries as granted under planning permission Ref P.04/1624. Retention of an amended domestic wastewater treatment system installed to that approved under planning permission Ref. P.04/1624. Retention of the as built flat roof dining room extension on the north-west elevation of the dwelling.

### Location

Corglancey, Dromahair, Co. Leitrim

### Planning Authority

Leitrim County Council

### Planning Authority Reg. Ref.

2560109

### Applicant(s)

Greg & Deirdre Kelly

### Type of Application

Retention Permission

### Planning Authority Decision

Grant

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**Type of Appeal**

Third Party

**Appellant**

Bronagh Crehan

**Observer(s)**

None

**Date of Site Inspection**

8 October 2025

**Inspector**

Paul Christy

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## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	7
3.1 Decision: Grant ' <i>Retention</i> ' .....	7
3.2. Planning Authority Reports .....	7
3.3. Prescribed Bodies .....	8
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. National Policy: .....	9
5.2. Development Plan: Leitrim County Development Plan, 2023-2029.....	10
5.3. Natural Heritage Designations .....	11
6.0 EIA Screening.....	12
7.0 Water Framework Directive Screening .....	12
8.0 The Appeal .....	14
8.1. Grounds of Appeal .....	14
8.2. Applicant's Response.....	15
8.3. Planning Authority Response .....	17
8.4. Observations .....	17
9.0 Assessment .....	17
9.1. Overview .....	17
9.2. The Effluent Treatment System and Percolation Area .....	18
9.3. Other Matters .....	22

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10.0	AA Screening .....	24
11.0	Recommendation, Reasons, Considerations and Condition .....	25

**Appendix A** – Form 1: EIA Pre-Screening

**Appendix B** – Form 1: Water Framework Directive Screening

## 1.0 Site Location and Description

- 1.1. The subject site is located in a remote rural area where the terrain is generally flat. The site is outside of any landscape designation in the Leitrim County Development Plan 2023-2029. The subject dwelling is one of two similarly designed modest, rectangular-shaped side-by-side bungalows on individual plots. Both dwellings are set back approximately 40m from the road edge.
- 1.2. The subject dwelling, with a ridge height of 6.1m, is largely complete but unoccupied. The adjacent dwelling has completed blockwork and is roofed, but is incomplete in terms of external and internal finishes. A front boundary wall comprised of blockwork and pillars has been erected at the subject site, and partly along the boundary of the adjacent site. There is no boundary treatment between the subject site and the adjacent plot. There are mature trees and hedgerows along part of the site boundary with the lands to the north. Two sheds are erected on the north-western part of the overall landholding but outside of the subject site boundary. The sheds would appear to be in existence for a lengthy period of time. One is single-storey, the other the equivalent of two-storey. Both are formed of concrete shuttering and corrugated tin. On the outer northern side of the subject landholding and aforementioned sheds is a small, traditional single-storey cottage, although it appears that this dwelling is unoccupied.

## 2.0 Proposed Development

- 2.1. The proposed development is for the retention of three elements, which elements are departures from the original permission granted by the Local Authority in 2005 (Leitrim County Council Ref. P.04/1624) ('the 2004 permission'). Each element is briefly described below.
- 2.2. Amended Site Boundaries: In the 2004 permission, the plot (identified in pink on the site layout plan for the application under appeal) was relatively long (c.100m) but narrow (c.25m). In the proposed amendment, the length of the plot remains unchanged, but it is proposed to increase the width of the plot along most of its length (only excluding the area of the two sheds referred to in para. 1.2 above) by

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c.28.5m. The proposed wastewater treatment system is contained within the extended area. The submitted plans show the disposal of surface water to a land drain that runs along the northern boundary via a collection pipe running across the width of the extended site area and a proposed soakpit located close to the new northern boundary. Of note is that proposals for the disposal of surface water were not referenced in the public notices or application form.

- 2.3. Amended Domestic Wastewater Treatment System: The Agent for the Applicants submitted a letter with the application to the Local Authority referring to his inspection of the site and requested the Authority to note, inter alia, that: he *'found a mechanical treatment system, followed by the coconut module followed by a percolation area'*; and his certification that *'the system as constructed on site complies with the conditions attached to planning ref 04/1624'*. Attached to the submission was: a photo of the system in situ, and a certificate pertaining to the system.
- 2.4. The Agent does not provide a rationale for seeking retention of the wastewater treatment system. Given that the system is largely within the extended site area as discussed at para. 2.2, it is assumed that retention of the system is being sought, at least in part, because of this.
- 2.5. Flat Roof Dining Room Extension: The proposed extension is for a small (3.4m x 3.2m), single-storey flat roof extension to the northern gable of the dwelling. Although the details of the 2004 permission are not available on the Local Authority website, it can be deduced from the Local Authority Planner's report (third para., p.5) that the 2004 permission included a side annex similar in scale to that now proposed: *'The side annex itself is marginally larger in floor area and now presents with zinc flat roof finish from that originally granted with hipped roof finish.'*

## 3.0 Planning Authority Decision

### 3.1 Decision: Grant 'Retention'

- 3.1.1. The Retention permission was granted subject to four standard conditions. Condition No. 4 requires that: *'The wastewater treatment system shall strictly be maintained strictly in accordance with the recommendations of the Site Assessor and certified by him/her as fit for purpose and meeting the requirements of the Environmental Protection Agency (EPA) and the relevant Code of Practice. Reason: In the interests of pollution control and public health.'*

### 3.2. Planning Authority Reports

- 3.2.1. [Planning Report]: One report on file signed by an Assistant Planner, and countersigned by an A/Senior Planner on 30 June 2025. The report addresses, inter alia, the following issues of relevance to the Appeal:
- Unsigned Application Form: In the section of the Planner's Report headed 'Planning Authority's Response', the following is noted: *'In this instance this planning application was submitted via the online portal that included a signed letter of consent from both of the named applicants allowing the assigned agent, Francis Davitt, to act on their behalf relating to this planning application. This was deemed to be sufficient ...'*;
  - Consent of Landowner: In the same section of the Planner's Report, the following is advised: *'... it is normally considered acceptable that a letter of consent from a parent to a child would be genuine and authentic and would generally not give rise to any concern or suspicion. The letter received does not give rise to any concern of any nature in this case.'* In the Planner's Report section headed 'Summary of Key Planning Issues and Assessment', the Planner states as follows: *'Letters of consent from the registered owner are submitted in both cases under the same name which is the parent of one of the current named applicants. No issues arise from this element of the planning assessment and with this I am satisfied that the applicants have*

*demonstrated sufficient legal interest in relation to this revision of site boundary.';*

- Effluent disposal (environmental impact of): In the Planner's Report section headed 'Summary of Key Planning Issues and Assessment', the Planner notes that: *'the site boundaries are revised and have increased ... in total site area which is a positive development in terms of capacity to treat the domestic effluent.'* Reference is also made to there being no increase in population equivalent between the originally permitted dwelling and the dwelling as now proposed (incorporating the amended sunroom extension for which Retention Permission is sought). Finally the Planner also refers to the letter submitted by the Agent for the Applicants, quotes the findings of the Agent's inspection contained therein (please refer to para. 2.3 above) and concludes: *'Having regard to the above statement, I am satisfied that the amended wastewater treatment system as stated above will still treat the domestic effluent arising and will comply condition no 9 of planning ref 04/1624. No issues arise in this regard subject to conditions and as such does not warrant further investigation. No issues arise with regard to public health concerns.'*

3.2.2. [Other Technical Reports]

3.2.3. None.

### 3.3. **Prescribed Bodies**

3.3.1. None.

## 4.0 **Planning History**

4.1. **Subject site:** P.A. Ref. 041624 Construct 1 no. dwelling with sewage treatment system and percolation area, access on to public road: 2005 Grant. The permission was subject to various standard conditions. Specifically with regard to the treatment plant element of the Retention Permission hereby sought, Condition 9(a) required as follows:

- (a) A proprietary treatment system together with percolation areas, certified by the Irish Agreement Board to the manufacturer's instructions, shall be utilised for the purposes of domestic effluent disposal. A polishing filter system shall be used in conjunction with the proprietary treatment system and shall be designed in accordance with the procedures outlined in Section 4.11 of the Environmental Protection Agency's Wastewater Treatment Manual 'Treatment Systems for Single Houses' 2000.
- (b) No part of the wastewater system shall be within 10m of a watercourse.
- (c) The developer shall enter into an annual maintenance and servicing contract in regard to the sewage treatment system. This contract shall also include a guarantee of continual effective treatment of effluent. Any malfunction of the System shall be immediately rectified.

Reason: In the interests of pollution control and the preservation of the amenities of property in the vicinity.

## 5.0 Policy Context

### 5.1. National Policy:

5.1.1. [Sustainable Rural Housing Guidelines for Planning Authorities, 2005]: Section 4.5: 'Protecting Water Quality' addresses wastewater treatment systems in the context of the protection of Ireland's water resources. The narrative includes the following points:

- *'The key to protecting water quality in the context of providing new dwellings in un-sewered rural areas is to ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities, for example sites prone to extremely high water tables and flooding or where groundwater is particularly vulnerable to contamination.'*
- A summary of critical elements of guidance contained in Circular Letter SP 5-03 issued to Planning Authorities in 2003 including:

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~ *'The need to design proposed on-site wastewater treatment facilities, which take account of the circumstances of the site and of the vulnerability of groundwater resources',*

~ *'The importance of proper supervised installation and commissioning of wastewater treatment facilities by competent persons', and*

~ *'The need to monitor compliance with the terms of planning permissions'.*

5.1.2. [Planning and Development Regulations, 2001 (As Amended)]: Article 22(2)(c) provides that, where it is proposed to dispose of wastewater from the proposed development other than to a public sewer, a planning application shall be accompanied by: *'information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.'*

5.1.3. [Circular Letter PSSP 01/10 from the then Department of Environment, Heritage and Local Government] addressed to each county and city manager and An Bord Pleanála]: In this Circular, it was requested that the 2009 Code of EPA Code of Practice (CoP) be implemented in respect of all planning applications. The Department stated that planning authorities must not, in any circumstances, approve development subject to conditions requiring compliance with the CoP without first satisfying themselves that the provisions within the CoP can be complied with, and on the basis of expert and verifiable evidence including a positive site suitability assessment by an appropriately trained and qualified assessor.

## 5.2. **Development Plan: Leitrim County Development Plan, 2023-2029**

5.2.1. Section 2.8: 'Rural Housing, Chapter 2: 'Core Strategy': *'The facilitation of rural housing also poses a significant challenge in rural Leitrim owing to the poor percolation characteristics associated with soil conditions across most of the county. These soil characteristics make it extremely difficult for applicants from rural areas to satisfy the requirements of the EPA Code of Practice for individual wastewater treatment systems in order to build individual houses in the countryside.'* (third para., p.32).

- 5.2.2. Policy WQ POL 1, Section 9.6: 'Groundwater', Chapter 9: 'Infrastructure and Energy':  
*'To protect existing groundwater sources and aquifers in the county and to manage development in a manner consistent with the protection of these resources'*.
- 5.2.3. Section 3.17: 'Rural Settlement Strategy, Chapter 3: 'Housing' Policy RUR SET POL 7: *'Have regard to the Sustainable Rural Housing Guidelines including requirements in relation to the protection of water quality ...'*.
- 5.2.4. Section 3.17.4: 'Principles of Rural Housing Policy Framework', Chapter 3 'Housing': contains similar narrative to that set out at para. 5.2.1 above (third para., p.62).
- 5.2.5. Section 13.11: 'Residential Development Rural Areas', Chapter 13 'Development Management Standards' (sub-section headed 'Water and Wastewater Services and Surface Water Disposal) provides that: *'For individual on-site wastewater treatment systems, the standards and guidance on design, operation and maintenance of on-site wastewater treatment systems as set out in the Environmental Protection Agency (EPA) 'Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent < 10)' (2021) ...'* (second bullet, sub-section headed: 'Water and Wastewater Services and Surface Water Disposal').
- 5.2.6. Section 13.17: 'Infrastructure, Flooding and Environmental Management', Chapter 13: 'Development Management Standards' (sub-section 13.17.3: 'Domestic and Commercial Wastewater Treatment') also refers to the EPA Guidelines as follows: *'For domestic dwellings, site assessment and the design of wastewater treatment systems and percolation areas shall conform with the (EPA) Code of Practice ...'*. In this sub-section there is a further requirement that: *'A detailed site investigation report, to include percolation and water table tests certified by a qualified person, should be provided with the planning application'*.

### 5.3. **Natural Heritage Designations**

- 5.3.1. The site is located 1.58km to the south-east of the Lough Gill Special Area of Conservation (Site Code 001976) and 3.3km to the south of the Lough Gill Proposed Natural Heritage Area (Site Code 001976).

## **6.0 EIA Screening**

- 6.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (As Amended) or Part V of the 1994 Roads Act. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **7.0 Water Framework Directive Screening**

- 7.1.1. The Killanummery River\_010 river system is a significant feature in the wider locality and is comprised of several sections. The nearest sections to the subject site are located to the south-west and north-east. The section to the south-west is at generally the same levels as the subject site and is located c.125m to the west of the site front boundary, and c.175m to the west of the proposed treatment plant and percolation area. There are two minor public roads between the site and this section of the river network generally running in a north-south direction. The section to the north-east is located c.400m away from the proposed treatment plant and percolation area and at a higher level.
- 7.1.2. The site lies within the area of the Killarga South IE\_WE\_G\_0056 groundwater body. This groundwater covers a 53.85km<sup>2</sup>-wide area. I note also that the site lies within an area identified as 'Regionally important Aquifer – karstified (refer Water, Land & Soil Tab/Hydrogeology/GSI Bedrock Aquifer) on the EPA's catchments.ie website, .
- 7.1.3. Finally, a minor stream not identified on catchments.ie flows along the north-western boundary of the site towards the public road. This minor stream then continues northwards alongside the public road.
- 7.1.4. The proposed development comprises: retention of extended site boundaries; retention of an amended domestic wastewater treatment system; and retention of a minor extension to the side of the dwelling. The new north-western boundary of the extended site is now immediately adjacent to a minor stream that flows along the new north-western boundary in the direction of the public road, whereas the originally permitted boundary was c.23.5m from the stream. The new treatment plant

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is c.18m from the aforementioned minor stream to the north-west of the site and the proposed percolation area slightly further away whereas, it is assumed, the originally permitted treatment plant and percolation area was within the original site boundary and therefore at least c.23m away from the stream.

- 7.1.5. Concerns were raised in the planning appeal that foul water could be being discharged into the water table.
- 7.1.6. I have assessed the proposed development as set out at para. 7.1.4 and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 7.1.7. Having considered the nature, scale and location of the project, I would comment as follows.
- 7.1.8. In relation to the Killanummery River\_010 river system I am satisfied that it can be eliminated from further assessment because there is no conceivable risk either qualitatively or quantitatively. The only potential risk to this River system is from the proposed effluent treatment plant and percolation area. However, this system is designed to discharge treated effluent to ground waters beneath the system and not to surface waters. Furthermore, the proposed system is some 18m-19m away from the nearest stream. This is significantly in excess of the required minimum distance of 10m as set out in the EPA Code of Practice.
- 7.1.9. In relation to the Killarga South IE\_WE\_G\_0056 groundwater body and 'Regionally important Aquifer – karstified, in paragraphs 9.2.4 – 9.2.12 I have set out in detail why the Site Characterisation Report submitted with the 2004 application cannot now be relied upon as evidence to support the proposed treatment system and percolation area. As the proposed system includes discharge to ground waters, and as the evidence to support the suitability of this system cannot be relied upon, potential risk to this body, either qualitatively or quantitatively or on a temporary or permanent basis, cannot be eliminated.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

8.1.1. One no. appeal was received from Setanta Solicitors on behalf of Bronagh Crehan. The grounds of appeal can be summarised as follows:

- Invalid application: Application is unsigned and undated.
- Provenance of landowner's consent to the making of the application questioned.
- Effluent treatment and disposal:
  - ~ Proposed connection to foul treatment not identified.
  - ~ Environmental surveys or environmental screening not conducted - foul could be discharging into the water table.
  - ~ The submitted treatment plant certification is a general certification of the range model together with a report of Davitt Plan and Design. It appears that the certificate has simply been downloaded from the relevant company website.
  - ~ Refers to the relevant conclusion in the Local Authority Planner's report – 'I am satisfied that the amended wastewater treatment system as stated above will still treat the domestic effluent arising and will comply condition no 9 of planning ref 04/1624.' Observes that: *'This certification is curious as the site was built c.2005/06 and yet appears to have installed a component that was not available and certified until 2017, by a company not yet formed.'*
  - ~ Not stated if the wastewater system is registered with the planning authority. Planning inspector (sic) appears not to have considered this or cross checked against the EPA Code of Practice for Domestic Wastewater Treatment Systems.
- 'Inadequate water and sewerage connections': Proposed connections to water mains, water egress not identified.

- Condition of building: Buildings subjected to the elements for 20 years. No building surveys appear to have been carried out to ensure that the buildings are sound.
- Compliance with previous conditions:

## 8.2. Applicant's Response

8.2.1. The Applicants' Agent, Davitt Plan and Design, submitted a response on behalf of the Applicant to the grounds of appeal and this may be summarised as follows:

- Online planning application process: Used this process and there is no requirement for a physical signature on the generated Part A application form. The application was validated and met all of the current legislative criteria.
- Landowner's Consent: Reaffirms that the landowner is the mother of one of the two applicants. To assert that the letter of consent submitted with the application to the Local Authority is not genuine is defamatory. Adds other reasons in support of the bona fides of the application including: the same landowner provided consent for the original planning application in 2004; submitting the landowner's driving license to verify the signature (on the letter of consent); The proposal the subject of the appeal has '*been long established and accepted from a planning perspective.*' Also refers to the clarification contained in S.34(13) of the Planning and Development Act, 2000 that a person shall not be entitled solely by reason of a permission to carry out a development.
- Services connections: The site layout plan provides an accurate depiction of the development and all ancillary services.
- Appropriate Assessment and Environmental Impact Assessment: The Local Authority screened for AA and pre-screened for EIA and concluded, effectively, that there was no issue in either case.
- Site suitability:

~ An EPA Site Assessment (prepared by 'McHugh Site Assessment Services') was submitted with the 2004 application ('the 2004 Assessment') and *'drafted in a compliant manner to the EPA Regs in that era.'*

~ Refers to the *'certificate of compliance regarding the as-constructed ... facility'* submitted with the subject application.

~ Notes his qualifications (qualified and registered EPA assessor; member of EPA site assessors in Counties Leitrim, Sligo and Cavan; been assessing and certifying facilities as a qualified assessor since 2008).

~ Confirms that the system as constructed on-site is in compliance with the conditions attached to the 2004 permission. The 2004 Assessment submitted with that application and the works are also in compliance with the current EPA Code of Practice.

~ System not yet registered with the Local Authority as it would only be registered with the Authority when the dwelling becomes habituated. Registration is addressed under separate legislation (Water Services Act, 2012, as amended).

- Conclusion:

~ Requests that the Commission consider the application of S.138(1) of the Planning and Development Act, 2000 (As Amended) *'as the appeal appears to serve no purpose other than to prevent the Applicants from complying with a deadline for a Croi Conaithe vacant property refurbishment grant.'*

~ The 'objection' references a file ref (04/164) that has no relevance to this case.

~ The objector has not demonstrated any adverse impact on their property or opened any negative planning issues, and may be objecting to the wrong development entirely. Quotes the Local Authority Planner's report wherein he states that: *'the concerns submitted by the 3<sup>rd</sup> party ... does not give rise to any planning issues ....borders on vexatious and frivolous.'*

### 8.3. Planning Authority Response

8.3.1. The Planning Authority's response to the grounds of appeal can be summarised as follows:

- Completion of the development is welcomed. Breaches for which retention and completion are sought are minor.
- The site was deemed suitable to treat and dispose of wastewater in accordance with the site characterisation report undertaken at that time (2004).
- The treatment performance results submitted with the application confirm the standards to which wastewater is being treated to. No concerns arise from the perspective of the Planning Authority in this regard.
- The grounds of appeal are '*pedantic in nature and have no substance*'.
- Not within the remit of the Commission to deal with validation issues.
- Unclear how the proposed development '*affects the Appellant in any material way*'.

### 8.4. Observations

8.4.1. None.

## 9.0 Assessment

### 9.1. Overview

9.1.1. Having examined the application details, and all other documentation on file including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be assessed are as follows:

- The proposed effluent treatment system and percolation area, and evidence in relation to the suitability of the site for effluent disposal.

- 9.1.2. The Appellant makes a number of points in relation to the proposed effluent treatment system and percolation area. I consider the key issue to be her concerns in relation to environmental surveys or environmental screening not having been conducted, and that foul could be discharging into the water table. I address these concerns in Section 9.2 of my report. I address the Appellant's other points in relation to the effluent treatment system in Section 9.3: 'Other Matters' below.
- 9.1.3. Otherwise, I have no objection to the minor side extension and the revised site boundary (and consequent extended curtilage) on the basis that these items are minor in nature, are generally sympathetic to the rural setting of the subject site, and otherwise give rise to no concerns in terms of potential impacts for the environment, public health, traffic safety or the amenities of adjacent properties.

## 9.2. The Effluent Treatment System and Percolation Area

- 9.2.1. National policy, and indeed legislation, and Leitrim County Council policy as contained in the Development Plan are clear on this matter. The Sustainable Rural Housing Guidelines (Section 4.5); the Planning and Development Regulations, 2001 (As Amended) (Article 22[2][c]); Circular Letter PSSP 01/10; and the Development Plan (Section 13.17: 'Infrastructure, Flooding and Environmental Management', Chapter 13: 'Development Management Standards') all require that effluent treatment plants should only be permitted where the provisions of the EPA Code of Practice can be complied with, and on the basis of expert and verifiable evidence including a positive site suitability assessment by an appropriately trained and qualified assessor.
- 9.2.2. The Applicant's Agent advises that the 2004 Assessment submitted with the 2004 application was: compliant with both the EPA Code of Practice in place at that time; and is also compliant with the current Code of Practice '*from a construction perspective*'. The Agent also refers to the certificate of compliance regarding the as-

constructed facility submitted with the subject application. I also note the bona fides of the Agent.

- 9.2.3. For the Local Authority's part, in his report on the application submitted to the Authority the Planner: notes that there was no increase in population equivalent between the originally permitted dwelling and the dwelling as now proposed; quotes the Agent's letter where the Agent certified that the system as constructed on site complies with the conditions attached to the 2004 permission; and, on this basis, concludes that he is satisfied in relation to effluent treatment. The Authority re-affirmed this position in its submission to the Appeal where they state that: the site was deemed suitable to treat and dispose of wastewater in accordance with the site characterisation report undertaken at the time of the 2004 application; and the treatment performance results submitted with the application confirm the standards to which wastewater is being treated.
- 9.2.4. Notwithstanding the acknowledged bona fides of the Agent, and the acceptance of the position by the Local Authority, the documentation submitted with the application to the Local Authority does not constitute a site suitability assessment as required by the various policy and legislative documents set out at para. 9.2.1. In his cover letter, the Agent 'certifies' that the system as constructed on-site complies with the conditions of the 2004 permission. There is no evidence provided to support this. The Agent also refers to, and attaches, '*certs for the system*'. I would agree with the Appellant that this latter document appears to be a generic document setting out test results for the model of treatment plant being used. It is not a site characterisation assessment as required under the Code of Practice.
- 9.2.5. In his Response to the Appeal, the Agent refers to the 2004 Assessment submitted with the 2004 application and advises that it was: '*in compliance with the current EPA Code of Practice ... from a construction perspective*'. In the context of the requirements set out at para. 9.2.1, I have reviewed the 2004 Assessment. Comparing the 2004 Assessment with the Site Characterisation Form contained in Appendix A of the 2021 EPA Guidelines, I have identified several significant deficiencies. These include, inter alia:

- Section 2.0 - General Details: 'Soil Type', 'Vulnerability' and 'Groundwater Body' not specified; and no 'Comments' provided at end of section re integrating the information provided in order to comment on the potential suitability of the site, potential targets at risk, and/or any potential site restrictions);
- Section 3.0 – On-Site Assessment, and Appendix 1 - Photographs: In Section 3.0, a depth of 1.6m is identified from surface to ground water. In the site photographs, water ingress is apparent at what appears to be a much shallower depth than 1.6m.
- Section 3.1 – Visual Assessment: No 'Comments' provided at end of section re integrating the information in order to comment on the potential suitability of the site, potential targets at risk, the suitability of the site to treat wastewater and the location of the proposed system within the site;
- Section 3.2 – Trial Hole: 'Likely Subsurface Percolation Value', 'Likely Surface Percolation Value' and 'Evaluation' not provided;
- Section 3.3(a) Subsurface Percolation Test for Subsoil and Section 3.3(b) Surface Percolation Test: Tests substantially incomplete;
- Section 4.0 Conclusions of Site Characteristics: Purpose of section is stated as to 'Integrate the information from the desk study and on-site assessment and conclude the type of system(s) that is (are) appropriate'. Section substantially incomplete including recordings of 'Depth of unsaturated soil and/or subsoil beneath invert of gravel' and 'Percolation test result for surface and sub-surface'; and

9.2.6. Four further matters arise in relation to the reliability of the 2004 assessment and its transferability to the current scenario.

9.2.7. [Position of Treatment Plant and Percolation Area Relative to that of the 2004 Permission]: The 2004 Site Assessment did not include a map identifying the position of the tested area. However, it is reasonable to assume that the tested area would have been within the original site boundary. The site layout plan in respect of the 2004 permission identified the location of the wastewater treatment plant and

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percolation area to the front of the dwelling. The position of the treatment plant and most of the percolation area as constructed and now proposed in the subject application are in the extended site boundary area and therefore outside of the original site boundary. Accordingly, it is likely that the percolation area as now constructed is in a different area to that on which the tests were conducted for the 2004 Site Assessment.

- 9.2.8. [Loading of System]: In the 2004 Assessment, the number of bedrooms noted was '3'. This equates to a design population of 5 in accordance with Table 3.2 of the EPA Guidelines. However, on floor plans submitted with the subject application, the number of bedrooms identified is 5. This equates to a design population of 7 and, therefore, a 40% increase in the potential loading of the system relative to that factored into the 2004 Assessment that led to the design of the system.
- 9.2.9. [Aquifer]: In the Site Characterisation Assessment submitted with the 2004 application, the Agent noted that: 'The Vulnerability Class and the Groundwater Response are not yet available'. This information is now available on the EPA's catchments.ie website, and I note that the site lies within an area identified as 'Regionally important Aquifer – karstified (refer Water, Land & Soil Tab/Hydrogeology/GSI Bedrock Aquifer).
- 9.2.10. [Recommended Polishing Filter Construction]: The 2004 Site Character Assessment recommended that the polishing filter be constructed using imported soils in accordance with EPA guidance and that the top of the polishing filter must be a minimum of 1200mm above the existing ground level in order to provide 600mm of five-draining unsaturated soil below the point of infiltration of the effluent. From inspection of the site and documentation available on the file it is not evident that these site-specific recommendations have been complied with in this instance.
- 9.2.11. I would finally note the following in relation to ground conditions generally. At my site inspection of 8th October, 2025 I observed above ground evidence of the treatment system, coconut module and percolation area ventilation pipes. The ground conditions appeared to be reasonable with little in the way of rushes etc. to indicate poor drainage conditions although it appeared that overgrowth at the site had been

cut back in the days prior to my inspection. I also note previous commentary on ground conditions as follows: ‘*The ground within the site is poor as regards the accommodation of a wastewater treatment system ...*’ (Leitrim County Council Planner dealing with the 2004 application); and ‘Local Drainage – Poor’ and ‘Past Experience in Area – Poor’ (2004 Site Assessment).

9.2.12. In conclusion, and having regard to the Applicant’s reliance on the 2004 site assessment, at para. 9.2.5 I identify various deficiencies in the manner that the 2004 assessment was completed relative to the requirement of the current EPA Code of Practice, 2021. Also, at para. 9.2.7 – 9.2.9, I identify concerns over the transferability of the 2004 Assessment to the current scenario. Having regard to the aforementioned, and to the previous concerns of Leitrim County Council in relation to ground conditions as referenced at para. 9.2.10 above, I am unable to support the proposed treatment plant and percolation area element of the proposed development for these reasons.

### 9.3. Other Matters

9.3.1. In addition to the substantive (site assessment) effluent treatment issue addressed in Section 9.2 above, the Appellant raises a number of other matters. I address these below.

9.3.2. [‘Other’ Effluent Treatment Concerns]:

Issue	Response
Proposed connection to foul treatment not identified.	The proposed connection is identified on the submitted site layout plan (refer red ‘Proposed Sewer Pipe’ line).
Reference to the conclusion in the Planner’s report – ‘I am satisfied that the amended wastewater treatment system will still treat the effluent arising and will comply with condition no 9 of planning ref 04/1624.’, and observation that: ‘ <i>This certification is curious as the site was built c.2005/06 and yet appears to have installed a component that was not available and certified until 2017, by</i>	As this application seeks retention of the treatment plant, it is reasonable to assume that the plant for which retention permission is now sought was installed post-2017 and not closer to the 2004 application permission.

<i>a company not yet formed.</i>	
Not stated if the wastewater system is registered with the planning authority.	I do not consider this to be a material planning consideration and I note Article 3A(a) of the 'Domestic Waste Water Treatment Systems (Registration) (Amendment) Regulations, 2013' provides that registration of new systems completed after 1 February 2013 must be completed within 90 days of connection of the premises to the system.

9.3.3. [Invalid application: Application is unsigned and undated]: I note the letter submitted with the application to the Local Authority signed by the Applicants in which they consent to their Agent receiving all correspondence relating to this planning application. I also note the comments of the Agent in his response to the appeal in which he refers to the using the online process and comments that there is no requirement for a physical signature on the generated Part A application form. The Local Authority supports the Agent where, in the Planner's report on the initial application, it is noted that: *'In this instance this planning application was submitted via the online portal that included a signed letter of consent from both of the named applicants allowing the assigned agent, Francis Davitt, to act on their behalf relating to this planning application. This was deemed to be sufficient.'* Otherwise, I am satisfied that the issue of validation is not a matter for the Commission.

9.3.4. [Provenance of landowner's consent]: The Appellant appears to question the veracity of the submitted letter of consent on the basis of the landowner's health. In his submission to the Appeal, the Agent for the Applicants: reaffirms that the landowner is the mother of one of the two applicants; states that to assert that the letter of consent submitted with the application to the Local Authority is defamatory; and submitted the landowner's driving license to verify the signature (on the letter of consent). Having considered the aforementioned, I am satisfied that the Applicants have provided sufficient evidence of their legal intent to make an application. Any

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further legal dispute is considered a civil matter and outside the scope of the planning appeal.

- 9.3.5. [Proposed connections to water mains, water egress not identified]: These connections are identified on the site layout plan but I would note that they are not included on the development description submitted with the application.
- 9.3.6. [Condition of building: Buildings subjected to the elements for 20 years] The Appellant notes concerns that no building surveys appear to have been carried out to ensure that the buildings are sound. In my opinion, such matters are outside of the jurisdiction of the Commission, particularly where there is no threat to public safety given the remoteness of the site and distance from public road and other properties.
- 9.3.7. [Compliance with previous conditions]: Matters of enforcement fall under the jurisdiction of the Local Planning Authority.

## **10.0 AA Screening**

- 10.1. I have considered the proposed retention of the extended site boundaries; retention of an amended domestic wastewater treatment system; and retention of a minor extension to the side of the dwelling at Corglancey, Dromahair, Co. Leitrim in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located 1.58km to the south-east of the Lough Gill Special Area of Conservation (Site Code 001976). No nature conservation concerns were raised in the planning appeal.
- 10.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reasons for this conclusion are as follows:
- the nature of the works: extended site boundaries; amended domestic wastewater treatment system; and a minor extension to the side of a dwelling;
  - the distance of the site from the nearest European site and the remote chance of any connections between the two, notwithstanding that the Killanumurrey River to the west of the site does flow towards the SAC.

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I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **11.0 Recommendation, Reasons, Considerations and Condition**

### **11.1. I recommend:**

- (a) The GRANT of Retention Permission for the proposed development, except as set out at (b) below, based on the reasons and considerations marked (1) under, and subject to the condition attached thereto.**
- (b) The REFUSAL of Retention Permission for: An amended domestic wastewater treatment system inclusive of percolation area installed to that approved under planning permission Ref. P.04/1624 based on the reasons and considerations marked (2) under.**

#### **Reasons and Considerations (1)**

It is considered that the proposed amended site boundaries and consequent extended site curtilage, and the as-built flat roof dining room are sympathetic to the rural setting of the subject site and otherwise give rise to no concerns in terms of potential impacts for the environment, public health, traffic safety or the amenities of adjacent properties, subject to the following condition.

#### **Condition 1**

The development shall be carried out in accordance with the plans and particulars lodged with the applications.

Reason: In the interests of clarity.

## **Reasons and Considerations (2)**

1. It is a requirement of the Sustainable Rural Housing Guidelines (Section 4.5); and the Leitrim County Development Plan 2023-2029 (Section 13.17: 'Infrastructure, Flooding and Environmental Management', Chapter 13: 'Development Management Standards') that effluent treatment plants should only be permitted where the provisions within the 'Code of Practice – Domestic Waste Water Treatment Systems , Population Equivalent 10 or Less (Environmental Protection Agency, 2021) can be complied with, and on the basis of expert and verifiable evidence including a positive site suitability assessment by an appropriately trained and qualified assessor. Notwithstanding the certification provided by the Applicant's agent, and the bona fides of the Agent, it is considered that this documentation does not constitute verifiable evidence. It is further considered that the Site Characterisation Report of 2004, as referred to and relied upon by the said Agent, cannot be accepted as verifiable evidence of compliance with the Code of Practice having regard to:

- a. deficiencies in the Site Characterisation Report of 2004 when compared to the requirements of the following sections of the 2021 Code of Practice: Section 2.0 - General Details; Section 3.1 – Visual Assessment; Section 3.2 – Trial Hole; Section 3.3(a) Subsurface Percolation Test for Subsoil; Section 3.3(b) Surface Percolation Test; and Section 4.0 Conclusions of Site Characteristics.
- b. the changes in circumstance between the time that the 2004 Site Characterisation Report was prepared and the present day, namely: the assumed differing locations of the trial hole dug in 2004 and the percolation area as now constructed; the 40% increase in population equivalent in the current proposal (population equivalent of 7, based on the plans attached to the application showing 5 bedrooms) relative to that recorded in the 2004 Site Characterisation Report (population equivalent of 5 recorded, based on 3 bedrooms); the availability in the present day of status information on the aquifer over which the site is located (rated as 'Regionally Important' as identified, for example, on the EPA's catchments.ie website), whereas the

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2004 Site Characterisation Report did not include this information; and the lack of evidence regarding the recommendation in the 2004 Site Characterisation Report that the polishing filter must be a minimum of 1200mm above the existing ground level.

Having regard to the aforementioned, and to the Local Authority's previous classification of ground conditions at the site as 'poor', the Commission cannot be satisfied that the safe disposal of domestic effluent following treatment can be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems, notwithstanding the proposed use of a wastewater treatment system, coconut module and percolation area. The proposed development would not, therefore, be in accordance with the aforementioned provisions of the Sustainable Rural Housing Guidelines and the Leitrim County Development Plan 2023-2029 and would be prejudicial to public health and the environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the conclusion as set out in reason Number One of this schedule that the safe disposal of domestic effluent following treatment cannot be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems (PE ≤ 10), the Commission is not satisfied that the proposed development would not result in a risk of deterioration of groundwater quality, and would therefore not accord with Policy WQ POL 1 of the Leitrim County Development Plan, 2023-2029 which aims to protect existing groundwater sources and aquifers in the county and to manage development in a manner consistent with the protection of these resources. The proposed development would, therefore, be contrary to the proper planning and sustainable 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

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influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



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Paul Christy

Planning Inspector

13<sup>th</sup> November 2025

### Appendix A: Form 1 EIA Pre-Screening

<b>Case Reference</b>	323154-25
<b>Proposed Development Summary</b>	Retention of the amended site boundaries. Retention of an amended domestic wastewater treatment system. Retention of the as built flat roof dining room extension on the north-west elevation of the dwelling.
<b>Development Address</b>	Corglancey, Dromahair, Co. Leitrim
<b>IN ALL CASES CHECK BOX /OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: Paul Christy Date: 13<sup>th</sup> November 2025



**Appendix B: Form 1 Water Framework Directive Scoping**

<b>Table 2 WFD: Scoping</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Comm. Pleanála ref. no.</b>	323154-25	<b>Townland, address</b>	Corglancey, Dromahair, Co. Leitrim
<b>Description of project</b>		Retention of the extended site boundaries; retention of an amended domestic wastewater treatment system; and retention of a minor extension to the side of the dwelling	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The subject site is in a remote rural area. The site and lands in the immediate vicinity are flat. The soil and subsoil are both categorised as 'peat' on the catchments.ie website.</p> <p>A minor stream (not identified on catchments.ie) flows along the north-western boundary of the site towards the public road. This minor stream then continues northwards alongside the public road.</p> <p>The Killanummery River_010 river system is a significant feature in the wider locality and is comprised of several sections. The nearest sections to the subject site are located to the south-west and north-east. The section to the south-west is at generally the same levels as the subject site and is located c.125m to the west of the site front boundary, and c.175m to the west of the proposed treatment plant and percolation area. There are two minor public roads between the site and this section of the river network generally running in a north-south direction. The section to the north-east is located c.400m away from the proposed treatment plant and percolation area and at a higher level. The latest monitoring status available for the river (SW 2019-2024) is 'moderate' and the WFD risk status is 'Not at risk'. No 'Pressures and Activities' are identified.</p> <p>The site lies within the area of the Killarga South IE_WE_G_0056 groundwater body. This groundwater covers a 53.85km<sup>2</sup>-wide area. The groundwater status at the site is 'Good' and no 'Pressures and Activities' are identified.</p> <p>The site also lies within an area identified as 'Regionally important Aquifer – karstified (refer Water, Land &amp; Soil Tab/Hydrogeology/GSI Bedrock Aquifer) on the EPA's catchments.ie website .</p>	

	There is no identified flood risk at this site.					
<b>Proposed surface water details</b>	Discharge to soakaway (nb. the soakaway, whilst identified on the submitted site layout, is not referenced in the development description submitted as part of the application).					
<b>Proposed water supply source &amp; available capacity</b>	Public mains supply.					
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Proposed wastewater treatment system and percolation area.					
<b>Others?</b>						
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
<b>River</b>	125m from roadside site boundary; 175m from treatment plant and percolation area.	Killanummery River_010	Moderate	Not at risk	None	Although neither mapped on catchments.ie, nor discernible from my site inspection, it is possible that the north-western boundary stream/minor roadside stream to the north-west of the site may flow towards the Killanummery River.
<b>Ground water/ Regionally important Aquifer – karstified</b>	n/a	Killarga South IE_WE_G_0056		Not at risk	None	Discharge of effluent waters to groundwater.
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>						
<b>CONSTRUCTION PHASE</b>						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screen. Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination ** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Treatment plant and perc. area	Killarga South IE_WE_G_0056 (Ground water)	Leakage to ground water	Moderate (having regard to evidenced failings in the 2004 Site Characterisation Report). Discharge of untreated waters and of siltation	n/a	Yes (refer operational phase)	Yes
2.	Treatment plant and perc. area	Killanum mery River_010	(Potential) discharge to stream along n/w boundary of site, and on to River	Low (having regard to 18m-20m distance from proposed wwtp and percolation area to stream on n/w boundary). Standard construction management measures would also be likely to mitigate such potential impacts.	n/a	No	No
3.	Extended site boundary/ side extension	Killarga South IE_WE_G_0056 (Ground water)	Leakage to ground Water (side extension only)	Low (having regard to area of Ground water). Discharge of siltation.	n/a	No	No
4.	Extended site boundary/	Killanum mery River_	(Potential) discharge to stream	Low (having regard to 23m distance of	n/a	No	No

	side extension	010	along n/w boundary of site, and on to River	proposed extension to stream on n/w boundary. Standard construction management measures would also be likely to mitigate such potential impacts			
<b>OPERATIONAL PHASE</b>							
1.	Treatment plant and perc. area	Killarga South IE_WE_G_0056 (Ground water)	Discharge of effluent waters to ground water.	Yes. Discharge of untreated waters to groundwater/ Regionally important aquifer - karstified	n/a	Yes. Having regard to uncertainties around the Site character'n report of 2004 (refer to paras. 9.2.4 – 9.2.11 in main body of report)	n/a
<b>DECOMMISSIONING PHASE</b>							
1.	Treatment plant and perc. area	Killarga South IE_WE_G_0056	Discharge of effluent waters to groundwater.	Yes. Discharge of untreated waters to groundwater/ Regionally important aquifer - karstified	n/a	Yes. Having regard to uncertainties around Site character'n report of 2004.	n/a

Inspector: Paul Christy Date: 13<sup>th</sup> November 2025

