



An  
Coimisiún  
Pleanála

## Inspector's Report

### PL-500414-KE-25

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<b>Development</b>	Convert existing grain store into artist's workshop, erection of 12 accommodation pods, provision of 2 guest rooms and extension of car park.
<b>Location</b>	Mel's Pub Narraghmore, Narraghmore, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2461206
<b>Applicant(s)</b>	Melanie Treacy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Melanie Treacy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> of March 2026
<b>Inspector</b>	Elaine Sullivan



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## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.4ha and is in the village of Narraghmore, Co. Kildare. It is bounded by Orchard Road to the west and by the L8016 to the south and is positioned on the north-eastern side of the village centre. Vehicular access to the site is from Orchard Road. The site is irregular in shape with a cluster of buildings on the southern part and an open greenfield area to the north.
- 1.2. The site currently has a public house / restaurant on the southern end, which addresses the street. To the north and rear of the pub, is a café and some outbuildings that have been converted into workshops. There is a surface car parking area to the north of the café and pub with another disused outbuilding along the eastern boundary of the car park.
- 1.3. The northern section of the site is a greenfield area that contains the wastewater treatment system for the existing development. This area extends to the rear of houses on Orchard Road to the west and is bounded by agricultural fields to the north and east. At the time of the site visit the field was overgrown and its topography has a gentle slope to the north.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the following development,
  - The refurbishment and alteration works to convert existing grain store into artist's workshop,
  - The erection of 12no. accommodation pods,
  - An extension to, and change of use of, existing machinery shed to provide 2no.guest rooms and reception/waiting room,
  - An extension to existing car park to provide 26no.additional spaces including provision for electric car charging,
  - The upgrade and relocation of existing wastewater treatment system and all ancillary works to facilitate same.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority (PA) refused permission for the development for the following reason,

*The proposed development is considered unacceptable as the Applicant has failed to demonstrate that the wastewater treatment system and associated infrastructure will not result in an adverse impact on the environment. Specifically:*

- *The application lacks sufficient detail regarding the design, capacity, and performance of the proposed wastewater treatment system and polishing filter, including hydraulic and biological loading calculations, effluent discharge quality, and system layout.*
- *The Applicant has not provided a hydrogeological assessment to evaluate the potential impact of the proposed discharge on groundwater quality, particularly where discharge volumes may exceed 5m<sup>3</sup>/day.*
- *The proposal does not comply with the standards and requirements set out in the Environmental Protection Agency (EPA) Wastewater Treatment Manual: “Treatment Systems for Small Communities, Business, Leisure Centres and Hotels”, including system design, effluent disposal, site characterisation, and operational oversight.*

*Accordingly, the development as proposed would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The decision of the PA was informed by two reports from the Planning Officer (PO). The first report dated the 15<sup>th</sup> of January 2025 recommended that further information was requested, and the applicant was asked to submit the following details,

- A business plan in line with Objective RE0106 and RE O114 of the Kildare County Development Plan 2023-2029,

- Existing drawings for the Grain Store at a scale of 1:100,
- Confirmation from Uisce Éireann that a connection to the mains sewer and the municipal wastewater treatment plant is feasible,
- A design for surface water management that incorporates KCC's Sustainable Drainage Guidance Document (2024),
- Details for the use of permeable paving for the parking bays and trafficked areas,
- Details of pedestrian footpaths, pedestrian routes, bicycle lockers, internal parking circulation, EV charging and public lighting.

The second report dated the 6<sup>th</sup> of November 2025 found the applicants response to the FI to adequately address all issues apart from the details regarding wastewater disposal. The PO noted that the applicant submitted a Pre-Connection letter from Uisce Éireann and outlines that a connection to the wastewater treatment network is not feasible, as there is no capacity at the Narraghmore Wastewater Treatment Plant. The Applicant did not provide sufficient information regarding their proposed wastewater treatment system for the Environment Section to properly assess and the Environment Section recommended a refusal.

### 3.2.2. Other Technical Reports

- Municipal District Engineer: Report received seeking further information regarding surface water drainage, street lighting, pedestrian and car park layouts.
- Water Services: Report received seeking further information regarding surface water management.
- Transport Department: Report received seeking further information regarding details of the car park layout and footpaths.
- Environment Department: Report received seeking further information regarding a connection to the mains sewer and wastewater treatment plant. The response to FI was insufficient. Clarification of FI was requested.
- Chief Fire Officer: No objection.

- Environmental Health Officer: No objection.

### 3.3. Prescribed Bodies

Department Applications Unit - It is the Department of Housing, Local Government and Heritage's recommendation that a suitably qualified archaeologist is employed to carry out an Archaeological Assessment of the proposed area. A planning condition to this effect is recommended.

### 3.4. Third Party Observations

No third-party observations were received by the PA.

## 4.0 Planning History

The following planning history is not comprehensive and lists only the most recent applications that relate to the site.

- **Reg. Ref. 21/1284:** Permission **granted** in May 2022 for (a) Single storey lean to roof to side of existing two storey public house and (b) Planning permission for relocation of existing entrance to car park and all associated site development works at Mel's Public House.
- **Reg. Ref. 19/1203:** Application **withdrawn** in December 2020 for change of use from exiting outbuildings (adjacent to existing public house) to guest house accommodation, associated internal and external alterations to accommodate bedrooms to ground and first floor levels and all ancillary works.
- **Reg. Ref. 07/1844:** Permission **granted** in June 2006 for the demolition of the existing toilets, kitchen area, stores and part of the existing lounge and function room. The refurbishment of existing area and the construction of a two-storey structure to the rear comprising of new lounge, bar, etc.
- **Reg. Ref. 07/1439:** Permission **refused** in August 2007 for the demolition of existing single storey retail unit and one and a half storey farm out buildings

and to construct a total of 27 no. residential units, comprising 10. no 3-bed semi-detached houses, 12 no. 3-bed townhouses, 1no. 2-bed apartment, etc. Reasons for refusal included the suburban nature and scale of the development, the traffic generated, and the impact the development would have on local amenities.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative development plan for the site is the **Kildare County Development Plan 2023-2029** (KCDP).
- 5.1.2. Narraghmore is designated as a Village in the Kildare Settlement Strategy.
- 5.1.3. The following extracts from the KCDP relate to aspects of the subject development but is not an exhaustive list of all relevant policies and objectives contained in the Development Plan that may be relevant to the development.

#### Chapter 4 - Resilient Economy Job Creation

**RE O100** - Support additional and diversification of tourist accommodation and other types of tourism infrastructure such as motorhome parking and toilet facilities at appropriate, sustainable locations, where the vitality and vibrancy of nearby serviced centres is not compromised.

**RE O105** - Promote and facilitate the development of rural tourism inter alia open farms, on-farm craft villages and visitor centres and the reuse and refurbishment of vernacular buildings (houses or farm/industrial buildings) for tourist related facilities, including holiday home accommodation; subject to compliance with both the Rural Housing Policies and Development Management Standards of this Plan. It is important that such development does not have a detrimental impact on the residential amenities of rural residents.

**RE O106** - Encourage the clustering of tourism enterprise in town and village centres in the interest of sustainable tourism development and the enhancement of the public realms of town and village centres to maximise their tourism potential. In all

cases, applicants must submit a robust assessment setting out the sustainability of any proposal with respect to economic, environmental and social sustainability.

**RE O108** - Encourage and support start-up enterprises in tourism across Kildare.

**RE O114** - Ensure that innovative tourism ideas are assessed on their merits on a case-by-case basis. In all cases, applicants must submit a robust assessment setting out the sustainability of any proposal with respect to economic, environmental and social sustainability.

**RE O117** - Protect all landscape types from inappropriate development by ensuring that developments and other activities associated with tourism or recreational activity are sensitively located so that they do not cause damage, are not detrimental to or detract from the traditional character or appearance of areas of scenic or visual amenities and ensure that the layout, design, and associated infrastructure are of the highest quality.

**RE O118** - Ensure the highest standards of design are used in the development of tourism related facilities to ensure that there are no significant adverse impacts on the landscape, including Natura 2000 sites and historic archaeological sites. Such facilities must be integrated into the landscape to take advantage of natural screening and topography.

**RE P16** - Support and promote environmental sustainability, which will be central to the development and protection of a viable tourism sector within the county.

**RE O120** - Encourage all new tourism related development proposals to maximise energy efficiency through siting, layout and design and incorporate best practice in energy technologies, conservation and smart technology.

**RE O124** Consider the following criteria in assessing tourism development proposals:

- The need for the development and facility to be provided.
- Justification for the proposed site location.
- Details in relation to accessibility including pedestrian and cycle provisions and linkages to the proposed development.

- Proposed developments should be modest in scale, sensitively located and designed having regard to existing buildings and topography.
- Proposed developments must be adequately landscaped, serviced and suitably managed.

#### Chapter 6- Infrastructure & Environmental Services

**IN O22** - Require the implementation of Sustainable Urban Drainage Systems (SuDS) and other nature-based surface water drainage as an integral part of all new development proposals.

**IN O23** - Require new developments to reduce the generation of storm water run-off and ensure all storm water generated is disposed of on-site OR attenuated and treated prior to discharge to an approved water system, with consideration for the following: • The infiltration into the ground through the provision of porous pavement such as permeable paving, swales, and detention basins. • The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basins, ponds, and wetlands. • The slow-down in the movement of water.

**IN O28** - Ensure development proposals in rural areas demonstrate compliance with the following:

- The ability of a site in an un-serviced area to accommodate an on-site wastewater disposal system in accordance with the County Kildare Groundwater Protection Scheme, and any other relevant documents and legislation as may be introduced during the Plan period.
- The ability of a site in an un-serviced area to accommodate an appropriate on-site surface water management system in accordance with the policies of the Greater Dublin Strategic Drainage Study (2005), in particular those of Sustainable Urban Drainage Systems (SuDS).
- The need to comply with the requirements of the Planning Systems and Flood Risk Management Guidelines for Planning Authorities, published by the Minister for the Environment, Heritage, and Local Government (2009).

## Chapter 9 – Our Rural Economy

**RD P1** - Support and promote rural enterprises and encourage appropriate expansion and diversification in areas such as sustainable agriculture, forestry, peatlands, peatlands rehabilitation and sustainable peatland related tourism, food, crafts, renewable energy at suitable locations in the county, particularly where they contribute to a low carbon and resilient economy.

**RD O2** - Facilitate agriculture, horticulture, forestry, tourism, energy production and rural resource-based enterprise within the rural settlements and in appropriate rural locations subject to relevant development management standards.

### **Narraghmore Village Plan**

(Volume 2 of the KCDP)

The subject site has three separate zoning objectives, (MAP Ref. V2-3.13),

- *A – Village Centre* - To provide for the development and improvement of appropriate village centre uses including residential, commercial, office and civic use.
- *B – Existing Residential / Infill Housing* - To protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.
- *C – New Residential* - To provide for new residential development

Tourist related facilities and Guest Houses are permitted in principle in Zoning Objective A and are open for consideration in Zones B and C.

The Narraghmore Courthouse, a protected structure (RPS Ref. B32-27) adjoins the site to the southeast.

## **5.2. Natural Heritage Designations**

No designations apply to the subject site. The closest designated sites are the, Dunlavin Marshes proposed NHA (pNHA) c. 6km to the north-west of the site and The River Barrow and River Nore SAC (SC 002162), c. 7 km overland to the north-west of the site.

### 5.3. EIA Screening

- 5.3.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal relate to the reason for refusal and include the following,

- Following the decision to refuse planning permission the applicant undertook a full review of the existing and proposed wastewater treatment system. This analysis identified the need to reduce the overall accommodation footprint to provide an appropriate separation distance (min. 31m) between the accommodation pods and the polishing filter. As a result, two pods have been omitted from the original layout and the revised setback exceeds EPA requirements for separation distances.
- The applicant considers that the revised layout would guarantee that the treated wastewater will be safely dispersed to ground without any risk to public health or the environment.
- A technical response was prepared and submitted with the appeal from the Consulting Engineer on the project. This response included –
  - Updated hydraulic and biological loading calculations,
  - A revised treatment system design with increased capacity,
  - An updated Operation & maintenance Plan,
  - Confirmation of full compliance with EPA requirements.

- The applicant is confident that the information provided in the appeal has sufficiently addressed the lack of details listed by the PA regarding the design, capacity and performance of the proposed wastewater treatment system. Should any details be lacking, the applicant suggests that they can be addressed through condition.
- An argument is put forward that it is not unusual for the Commission to grant permission for developments where it was considered appropriate to provide information or details on wastewater by way of pre-commencement planning condition. (The appeals referenced are, ABP-314622-22, 320043-24, 315088-22 and 302304-18).

## 6.2. Planning Authority Response

- A response was received from the PA on Monday the 12th of January. The PA have no further comments to make on the application.

## 6.3. Observations

- No observations received.

## 7.0 Assessment

7.1. The planning assessment will address the issues raised in the appeal under the following headings,

- Principle of Development
- Proposed Uses
- Wastewater Treatment

## 7.2. Principle of Development

7.2.1. The proposed development is for the provision of tourist accommodation in the form of 12 (reduced to 10 in the appeal) individual pods on a greenfield site to the rear of an existing pub. Additional works would include the refurbishment, extension and change of use to existing outbuildings on the site including, the refurbishment and

conversion of a grain store to an artist workshop, extension to and change of use from machinery shed to 2 no. guest rooms and reception area, an extension of existing car parking area and the upgrading and relocation of existing wastewater treatment plant.

- 7.2.2. The site is subject to three separate zoning objectives, 'Village Centre', 'Existing Residential/Infill' and 'New Residential'. The land use matrix for the zoning objectives outlines that the proposed development, which can be categorised as 'tourist related facilities' and 'guest house', is 'permitted in principle' within Village Centre zoned lands and 'open for consideration' in both Existing Residential/Infill and New Residential. The accommodation pods are in the New Residential zoned lands.
- 7.2.3. I am satisfied that the proposed development is acceptable in principle as it is in accordance with the zoning objective for the site. As such it can be assessed on its merits against the policies and objectives of the KCDP.

### **7.3. Proposed Uses**

- 7.3.1. I have reviewed the details of the development proposal, and I am satisfied that the uses proposed are suitable for the site and its location in the centre of a village. The proposal would be compatible with the existing pub use on the site and would be complimentary to the businesses operating on the site, which are community focused and partly staffed by volunteers.
- 7.3.2. New interventions in the environment would be positioned to the rear of the site and would not have a visual impact on the existing streetscape or on the character and setting of the protected structure. Extensions and alterations to existing buildings on the site are minor in nature and acceptable within the context of the site. They would also bring existing empty outbuildings back into use. The proposal is also in accordance with development plan policy to encourage rural based tourism in suitable locations. (Objectives RE O100, RE O105, RE O106 and RE O108 apply in this instance).
- 7.3.3. Apart from the wastewater treatment, the PA had no objection to the nature and scale of the proposal. Whilst the second report of the PO considered that the applicant had addressed many of the raised, a concern remained regarding the

wastewater treatment system. The report noted that, *'While in other circumstances the Applicant would be afforded an opportunity to address these concerns via Clarification of Further Information, unfortunately in this instance the Applicant does not have sufficient time to respond to any subsequent request'*. The decision to refuse permission provided specific detail regarding the details the PA considered to be lacking. I am satisfied that the only outstanding issue in relation to the development and its suitability for the site is the issue of wastewater treatment, which will be addressed in the following section.

#### **7.4. Wastewater Treatment**

- 7.4.1. Existing development on the site includes a gastro-pub, a café and some workshop units. These uses are currently serviced by an onsite wastewater treatment system (WWTS). This system would be decommissioned and replaced by a new WWTS if permission was granted.
- 7.4.2. The first report of the PA's Environmental Section (dated the 03/12/24) states that the preferred option for wastewater disposal is a connection to the public system. In their response to FI, the applicant confirmed that they had consulted with UE and that a connection to the public wastewater system could not be facilitated at this time due to lack of capacity. Additional details on the WWTS were provided by the applicant in their response to FI but the report of the PA considered these to be insufficient. The report of the Environmental Section dated the 06/11/25 noted that, *'While the Council's policy is to encourage connections to municipal and publicly maintained sewerage treatment systems when in close proximity, and to discourage proposals to the contrary; we are conscious that this particular proposal is for a commercial development where WWT proposals can be considered differently and in line with a Section 4 discharge licence that will be overseen by ourselves. Therefore, the broader plan may be acceptable to the Env Dept in principle.'*
- 7.4.3. Whilst the PA were generally accepting of the principle of the WWTS, which would be subject to a Section 4 discharge licence issued by the PA, it also outlined the information considered to be lacking from the application, which included the following,
- Detailed design calculations on the hydraulic and biological loadings.

- A report from the manufacturers/suppliers of the wastewater treatment system including detailed drawings and sections.
- Detailed design calculations and proposals regarding the disposal of the treated effluent. A Hydro-geological Assessment was requested.
- Detailed calculations on the design and layout of the polishing filter/percolation area based on the Site Characterisation Form and the Hydrogeological Assessment.
- A Site Layout Plan (1:500 scale) showing in detail the location and design of the wastewater treatment plant and polishing filter/percolation area with exact locations of all wastewater treatment systems, streams/ditches and wells that are on, bordering, or adjacent to the site.
- Detailed proposals for the continued operation and maintenance of the wastewater treatment system and polishing filter/percolation area.

7.4.4. Additional details of the proposed WWTS were submitted with the grounds of appeal. Details of the loading and capacity of the existing and proposed systems were included. The **existing** WWTS on the site is designed to cater for the following.

- Hydraulic loading – 23 PE @ 180l/day.
- Organic loading – 50 PE @ 60g/day.

7.4.5. The **proposed** system would cater for the following.

14 no. 1 bed glamping pods (reduced to 10 in appeal)

- Hydraulic loading – 14 x 2 persons @ 150l/day = 4200l/day = 28 PE.
- Organic loading – 14 x 2 persons @ 60g/day each = 120g/day per pod = 28 PE.

7.4.6. The appeal states that the **existing and proposed** development would cater for the following loading.

- Hydraulic loading – 23 + 28 = **51 PE** (This is used for sizing the polishing filter. The polishing filter requires 6 x Circle 7 Filters over a 200m<sup>2</sup> Gravel Distribution Bed (i.e. 51 PE x 3.75m<sup>2</sup>)\*.

\*(I note to the Commission that there is a question as to whether the correct figures were used to calculate the size of the polishing filter. This is addressed in the sections below.)

- Organic loading -  $50 + 28 = 78 \text{ PE}$  (rounded up to 80) (This is used for sizing the effluent treatment system. Required Treatment System Capacity is  $80 \times 180\text{l} = 14.40\text{m}^3$ ).

- 7.4.7. The PE for hydraulic loading is 51, which defines the size of the polishing system and the separation distance required. Table 4 of the EPA Guidelines for Small Communities requires a minimum separation distance of 31m from the polishing filter for a PE of 41-60. The removal of two of the most northerly pods would facilitate minimum separation distances of 32m from the closest remaining pods.
- 7.4.8. The WWTS proposed comprises primary treatment and secondary treatment within the Batchpur (sequencing batch reactor) treatment system. Details submitted about the system state that the system produces effluent of 8mg/l -14mg/l BOD-SS, which is suitable for discharge to tertiary filter such as the polishing filter proposed. Based on the predicted organic loading for existing and proposed development, the capacity of the treatment system would be  $14.40\text{m}^3$ . The grounds of appeal confirm that this capacity would be provided in the system.
- 7.4.9. A site characterisation form (SCF) was submitted with the application. The key points in the SCF are addressed as follows. The soil type is 'Limestone till (Carboniferous)' and the subsoil type is 'Till derived from limestones'. The bedrock is the 'Carrighill Formation, Calcareous greywacke siltstone & shale'.
- 7.4.10. The SCF states that the Mullaghmoyné West River Network (14MO8) is the closest watercourse to the site and is c. 600m to the north-west of the site. GSI maps show this watercourse as Kildoon\_010. The underlying aquifer is a 'Poor Aquifer – Bedrock which is Generally Unproductive (Pu)'. The Groundwater Body Type is IE\_SE\_G\_152 New Ross, which has a 'Good' status and a 'moderate' vulnerability code. I have reviewed the GSI and EPA maps that relate to the area, and whilst the percolation area / polishing filter appears to have a 'moderate' vulnerability, it borders an area of 'high' vulnerability which also extends into a small portion the site at its southern extent.

7.4.11. Section 2.0 of the SCF states that the site is within the Barrow\_Poulaphouca public water supply zone (WSZ). It also states that the site is within an outer source protection area (SO). I have reviewed the EPA maps for the area and whilst the site is within 1km (c. 0.76km) of the outer source protection area for the Lipstown / Narraghmore Group Water Scheme, it is not within the mapped boundary for the outer or inner protection area for the water source. The location of the site in relation to any Source Protection Areas (SPAs) is important as it impacts on the groundwater protection response. If the site was within the SO of a ground water supply or group water scheme, this would impact on the groundwater protection response, which in turn would impact on the depth of soil at the point of infiltration. Section 2.0 of the SCF states that the groundwater protection response for the site is R1, as the site is underlain by a Pu aquifer with moderate vulnerability, (as per Table E1 of the EPA CoP). An R1 response indicates that an onsite wastewater treatment system is 'Acceptable subject to normal good practice'. However, if the site is found to be within the SO area for a ground water supply the response would be R2<sup>3</sup> instead of R1. The R2<sup>3</sup> response would be slightly more onerous and indicates that the site is 'Acceptable subject to normal good practice', and subject to the following conditions,

- There is a minimum thickness of 2m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system
- A secondary treatment system as described in Chapters 8 and 9 (*of the EPA CoP*) is installed, with a minimum thickness of 0.3 m unsaturated soil/subsoil with percolation values from 3 to 75 (in addition to the polishing filter, which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter).
- The authority should be satisfied that, on the evidence of the groundwater quality of the source and the number of existing houses, the accumulation of significant nitrate and/or microbiological contamination is unlikely.

7.4.12. Whilst the EPA maps show the site outside the boundary of an SO area, the information accompanying the maps notes that even with 'relatively good hydrogeological data, the heterogeneity of Irish aquifers will generally prevent the delineation of definitive SPA boundaries. Consequently, the boundaries must be seen as a guide for decision-making, which can be reappraised in the light of new

knowledge or changed circumstances'. The information also notes that the boundaries of the mapped SPAs are based on the horizontal flow of water to the source and, in the case particularly of the Inner Protection Area, on the time of travel in the aquifer. Consequently, the vertical movement of a water particle or contaminant from the land surface to the water table is not taken into account. This vertical movement is a critical factor in contaminant attenuation, contaminant flow velocities and in dictating the likelihood of contamination. It can be taken into account by mapping the groundwater vulnerability to contamination.

- 7.4.13. Ground investigations for the site state that a trial hole was excavated to a depth of 2.1m with no groundwater or bedrock encountered. Soil found in the trial hole included silt/clay to -300 deep (Horizon A), 'gravelly' Silt/Clay with cobbles from -300 to -2100 deep (Horizons B & C). The soil structure was found to be granular and uncompact with a 'reddish brown' colour, which indicated free-draining soils.
- 7.4.14. Percolation test results found that the subsurface percolation value (T-value) to be 19 minutes per 25mm. The surface percolation test (P value) returned a value of 26 minutes per 25mm. The percolation values for the site indicate that it is suitable for all options outlined in Table 6.4 of the EPA CoP, with a secondary treatment system and soil polishing filter being the proposed system.
- 7.4.15. The polishing filter was sized using the guidance from Table 10.1 of the EPA CoP, which gives the area required per person (PE) for the different discharge options based on the percolation values for the site. The information submitted with the appeal states that the area of the proposed polishing filter was calculated to be 200m<sup>2</sup> of required area, (51 PE x 3.75m<sup>2</sup> = 200m<sup>2</sup>). However, Section 6.0 of the SCF states that the surface area of the discharge route to groundwater is 300m<sup>2</sup>. The values in Table 10.1 indicate that the 200m<sup>2</sup> area was based on the provision of a 'Tertiary infiltration area' with percolation values of  $3 \leq PV \leq 20$ . However, the percolation values recorded on the site are 19 minutes per 25mm for the subsurface test (T-test) and 26 minutes per 25mm for the surface test (P-test). Common precautionary practice in these instances is to take the higher percolation value, which would bring the site into the next category of  $21 \leq PV \leq 40$ . This category requires a calculation of 7.5m<sup>2</sup> per person, which would yield an area of 382.5m<sup>2</sup>.

- 7.4.16. Regarding separation distances, Drawing MT PI023 -2025 submitted with the appeal demonstrates that the minimum separation distances required in Table 4 of the EPA Treatment Manual can be achieved for a polishing filter of 200m<sup>2</sup>.
- 7.4.17. The site investigations carried out indicate that the soil characteristics have good percolation values and are suitable for discharge. However, the anomalies in the SCF relating to the location of the site in a SO, the groundwater protection response and the size and depth of the soil polishing filter require clarification.
- 7.4.18. Whilst the grounds of appeal included additional information about the WWTS, there are still gaps in the level of information required for the level of wastewater discharge proposed. The PA considered that a Hydro-geological Assessment was required for the development. The level of detail required for a comprehensive assessment of the proposal is site dependent. Guidance on determining the appropriate level of assessment is contained in Section 4 of the EPA *Guidance on the Authorisation of Discharges to Groundwater (2011)*<sup>1</sup>. According to the guidance, as the level of proposed discharge is above 5m<sup>3</sup> per day and the risk of impact would be moderate, a Tier 2 hydrogeological assessment would be required.
- 7.4.19. Regarding the information the PA considered to be lacking, the applicant has provided details on the applicant has provided information on the following,
- Detailed design calculations on the hydraulic and biological loadings to be generated.
  - A report from the manufacturers/suppliers of the wastewater treatment system including detailed drawings and sections of the proposed polishing filter.
  - Details regarding the quality and quantity of the treated effluent discharge and the location of the polishing filter.
  - A Site Layout Plan was provided showing in detail the location and design of the wastewater treatment plant and polishing filter/percolation area with separation distances to the nearest accommodation pods and houses. However, the exact locations of all wastewater treatment systems, streams/ditches and wells that are on, bordering, or adjacent to the site were

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<sup>1</sup> Section 4, Table 3, [Guidance-on-the-Authorisation-of-Discharges-to-Groundwater-Version-1-Part1-of-2.pdf](#)

not shown. Given the location of the site, in a serviced urban area, there may not be any such features in proximity to the site.

- Proposals for the continued operation and general maintenance of the WWTS and polishing filter.
- Detailed calculations for the design and layout of the polishing filter were supplied. However, as noted above, clarification is required regarding the calculations for the proposed size of the filter.
- Detailed design calculations and proposals regarding the disposal of the treated effluent.

7.4.20. Whilst the applicant has provided additional details regarding the WWTS, EPA guidance is clear that a hydrogeological assessment (Tier 2) is required for the development based on the level of discharge proposed for the site, (i.e. discharge above 5m<sup>3</sup> per day). According to EPA maps, the site is outside the outer protection area for the Lipstown – Narraghmore Group Water Scheme. However, the information on the EPA map website acknowledges that the definition of the actual boundaries is site dependent and requires consideration of vertical flows of water. The proximity of the site to the group water scheme is also a consideration in the requirement for a Tier 2 assessment.

7.4.21. Under the Local Government (Water Pollution) Act, 1977 (as amended), the proposal would be subject to a Section 4 discharge licence from the PA. The licence would regulate the quality and quantity of discharge to the ground to ensure that existing groundwater quality was not impacted from the development. Whilst the Commission may be minded to consider Section 34(13) of the Planning and Development Act 2000 (as amended), which states that, '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*', it is worth noting that the PA considered the hydrogeological information submitted to be insufficient.

7.4.22. I consider that the information submitted lacks detail regarding the potential impact of the development on the quality of groundwater. Clarification is also required regarding aspects of the site characterisation and the design of the system. In the absence of this information, I recommend that planning permission is refused. However, I note that under Section 132 of the Planning and Development Act 2000

(as amended), it is within the remit of the Commission, to request additional information should it be considered necessary to make a decision.

## **8.0 Appropriate Assessment**

- 8.1.1. I have considered the proposed development which involves the conversion and extension of existing outbuildings into a workshop, reception building and accommodation and the provision of 12 no. accommodation pods with an extension to the car parking area and a new onsite wastewater treatment system, in light of the requirements of sections 177S and 177U of the Planning and Development Act 2000, as amended. The proposed development is not located within or immediately adjacent to any European Site.
- 8.1.2. The closest European site is the River Barrow and River Nore SAC (SC 002162), c. 7 km overland to the north-west of the site. The Slaney River SAC (SC000781) is c. 13km to the south-east overland and Pollardstown Fen SAC (SC 000396) is c. 14 km to the north of the site.
- 8.1.3. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because it could not have any effect on a European Site. The reasons for this conclusion are as follows:
- Location-distance from nearest European sites.
  - Absence of any meaningful direct and indirect pathways to any European site.
  - The screening determination of the planning authority.
- 8.1.4. I conclude on the basis of objective information that the proposed development would not have a likely significant effect on any European Site either alone or in combination with any other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000 as amended) is not required.

## **9.0 Water Framework Directive – Screening**

- 9.1. The subject site is a part brownfield, part greenfield site in Narraghmore village-centre. The proposed development involves the conversion and extension of existing

outbuildings into a workshop, reception building and tourist accommodation and the provision of 12 no. accommodation pods with an extension to the car parking area and a new onsite WWTS. The new WWTS would comprise a primary treatment and secondary treatment within the Batchpur (sequencing batch reactor) treatment system, discharging to a soil polishing filter. This system would replace the existing WWTS which currently caters for the public house, café and workshops on the site. Surface water would be attenuated through SuDS and directed to two soakaways on the site.

- 9.2. I have assessed the proposed development 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 bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. The proposed development would involve the discharge of up to 8m<sup>3</sup> of treated wastewater to ground.
- 9.3. The closest surface water body to the site is the Kildoon stream/river, Kildoon\_010, (IE\_SE\_14K270950), which is c. 570m overland, to the north-west of the site. The WFD Risk for the waterbody states that it is under review. The Surface Water status from 2019-2024 is 'Moderate'.
- 9.4. The site is in the Barrow\_14 catchment and the 14\_18\_Barrow\_SC\_060 sub catchment. The underlying groundwater aquifer is the New Ross (IE\_SE\_G\_152) groundwater body. It has a 'Good' WFD status and comprises 'poorly productive bedrock'. The groundwater vulnerability at the site is 'Moderate' but the site adjoins an area of 'High' vulnerability.
- 9.5. The application was accompanied with a Site Characterisation Form and a 'Site Assessment Report', the details of which are reviewed in the foregoing report. Although the WWTS discharge would be subject to a Section 4 discharge licence from the PA, I concluded that the information submitted with the application was not sufficient to fully assess the potential impact on the development on the quality of groundwater in the area. This conclusion was based on the level of discharge proposed for the site and the lack of hydro-geological information submitted with the application. Based on the gap in information, I cannot conclude that the project

presents no conceivable risk to any surface and groundwater bodies either qualitatively or quantitatively.

## 10.0 Recommendation

10.1. I Recommend that planning permission is **REFUSED** for the following reasons and considerations.

## 11.0 Reasons and Considerations

Having regard to the design and scale of the wastewater treatment system proposed and the level of discharge predicted from the existing and proposed development, the Commission is not satisfied that sufficient consideration has been given to the hydrogeological conditions of the site and the surrounding area and in the absence of this information, the applicant has not demonstrated that the site is suitable for satisfactory disposal of wastewater. As such the proposed development would be prejudicial to public health and would 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 influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Elaine Sullivan

2<sup>nd</sup> of April 2026

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

<b>An Coimisiún Pleanála Case Reference</b>	500414-25		
<b>Proposed Development Summary</b>	Convert existing grain store into artist's workshop, erection of 12 accommodation pods, provision of 2 guest rooms and extension of car park		
<b>Development Address</b>	Mel's Pub Narraghmore, Narraghmore, Co. Kildare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 1 or 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			<b>Conclusion</b>
<b>Yes</b>	X	Class 13, Part 1 - Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC <sup>5</sup>	Proceed to Q.4

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

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	500414-25
<b>Proposed Development Summary</b>	Convert existing grain store into artist's workshop, erection of 12 accommodation pods, provision of 2 guest rooms and extension of car park
<b>Development Address</b>	Mel's Pub Narraghmore, Narraghmore, Co. Kildare
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development is for a stand-alone project on a part brownfield, part greenfield site of 1.4ha within the village of Narraghmore.</p> <p>The works will involve the conversion and extension of existing outbuildings, the extension to existing car park, the provision of 12 individual accommodation pods in a greenfield area and the provision on an onsite wastewater treatment system to cater for a PE of 51.</p> <p>Construction works would be minor in scale and would involve standard construction works to extend and refurbish buildings and site clearance and levelling works to install the accommodation pods. It would not require the use of substantial resources or give rise to significant risk of pollution or nuisance. The nature of the development does not pose a risk of major accident and/or disaster, and the development is not vulnerable to climate change. It presents no risk to human health.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The proposed development is on a site within a village centre. The site comprises an operational public house, community café with workshops and car parking area.</p> <p>The site does not have any conservation designations and is not located within or adjoining an NHA, pNHA, SAC or SPA. There are no Protected Structures or National Monuments within the site.</p>
<b>Types and characteristics of potential impacts</b>	Having regard to the nature of the proposed development, which includes commercial and community development, its location within an urban settlement, removed from sensitive habitats and conservation sites, likely limited magnitude and

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)