

INSPECTOR'S REPORT
to
AN BORD PLEANÁLA

Appeal No: PL 24.239918

P.A. Reg. Ref.: 11/236

PROPOSED DEVELOPMENT: (As per Newspaper notice) • Permission for two-storey dwellinghouse, treatment system, percolation area, entrance and ancillary works as replacement for existing dwelling at Newtown, Kilmacthomas, County Waterford.

APPEAL TYPE: **THIRD PARTY** against Notification of Decision to **GRANT PERMISSION** with Conditions.

APPLICANT: Percy Wall.

PLANNING AUTHORITY: Waterford County Council.

APPELLANT: Stella Fenton.

Observer: None.

Inspector: Dermot Kelly.

REPORT FORMAT

This report follows my examination of this appeal including reading the documents on file, and follows a Site Inspection on 3rd February 2012 which included the Photographs in Appendix B of this report. These Photographs were taken using an Olympus OM2 film camera fitted with a 50mm fixed focus standard lens which approximates normal viewing in short distance views.

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1. SITE LOCATION

The appeal site is located at Newtown, Kilmacthomas, County Waterford, as indicated on **APPENDIX A - LOCATION MAP**.

2. SITE DESCRIPTION

- 2.1** The appeal site lands within a large agricultural landholding on the eastern outskirts of the village of Newtown, approximately four kilometres to the east of Kilmacthomas in County Waterford, are approximately 0.65 hectares in area and include the existing farm dwelling (which is proposed to be retained for storage purposes) and outbuildings, and is bounded on the south and west by the public road.
- 2.2** The first party submissions included describing the site as follows: -
“The site is located to the north and east of the local primary road. It slopes from north to south, towards the south bounding road. It is partially screened from the roadway by established hedgerow and mature trees, while further screening is offered by the existing boundaries. The site is accessed by the entrance currently used to access the existing dwellinghouse and farm. As no additional traffic is proposed to the site, it is proposed to retain this entrance way. There are existing farm buildings, stables and storage buildings on site (and the decision of where to locate the proposed replacement dwellinghouse was decided with this in mind). The existing dwellinghouse on site, currently being lived in by the applicant and his 94 year old aunt, is to be retained as a storage building.”
- 2.3** The Planning Report for the Planning Authority described the appeal site as follows: -
“This 1.734 acre site is located to the north-east of the junction of the L-3005 and L8061 roads. The southwest of the site accommodates a dwellinghouse with a number of rubble stone outbuildings. The site of the proposed dwelling comprises of the western portion of a larger agricultural field. The site rises moderately from south to north away from the L-8061 road. There are a number of architectural heritage designations on the site.”
- 2.4** There is an attractive large two-storey stone farm outbuilding adjacent and to the south of the attractive gated farm entrance with stone walling and piers on either side, and a stone Lion feature mounted on top of a stone wall to the east of the existing dwelling which would be removed to facilitate a driveway access to the proposed located dwelling within part of the adjoining field to the east.
- 2.5** The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrates the nature of the appeal site and its context.

3. PROPOSED DEVELOPMENT

3.1 Planning Application

- The site area is stated as 0.65 hectares. The proposed development comprises as specified in the public notices permission for two-storey dwellinghouse, treatment system, percolation area, entrance and ancillary works as replacement for existing dwelling, at Newtown, Kilmacthomas, County Waterford.
- The proposed two-storey dwellinghouse (area 185 square metres) has a maximum ridge height of nine metres as submitted. The house design was described in the first party submission as follows: -
“The applicant proposes the construction of a 184.89 square metres traditional style two-storey dwellinghouse with a maximum ridge height of 9.006 metres. The design of the dwellinghouse is in keeping with the local parochial house, with design features taken from this (pictures attached). The main features of the dwelling are the hipped roof design; protruding flat-roofed front porch; fenestration with a vertical emphasis. In all, the design is in keeping with local traditional design of the area.”
- The submissions accompanying the completed Planning Application Form are noted including where stated that the applicant who resides in the existing substandard farm dwelling on the site, qualified under the stated Genuine Local Housing Need Criteria in the 2011-2017 Waterford County Development Plan.
- The submitted Site Characterisation Report is noted. Under ‘Wastewater’ it was submitted as follows: -
“A T-Value of 27.78 (min/25mm) was recorded on the site on the 18th May 2011. The applicant proposes to install a wastewater treatment system and percolation area. The existing septic tank on site is to be decommissioned.”
- The proposed development would comply with the Development Plan standards for Individual Houses in Rural Areas as specified.

3.2 Further Information Request

The Planning Authority by letter dated 19th July 2011 sought Further Information as specified, including in regard to Land Registry Details and Architectural Heritage stating as follows:

“The applicant shall submit full details of the works required to the eastern wall of the existing farmyard complex to accommodate the proposed driveway. The applicant should note that the inclusion of appropriately designed and proportioned piers is recommended by the Planning Authority in this instance. The width of the demolition works required to the wall to accommodate the proposed driveway should be kept to a minimum.”

- Details regarding proposed Wastewater Treatment were required including regarding trial holes and the existing on-site well as specified.
- Details were required “to demonstrate the achievement of sightlines at the existing access point to the public road”.

3.3 Further Information Submission

Further Information was received on 27th September, 2011 as follows:

1. Copy of the Property Registration Authority details for the ownership of the full County Waterford Folio WD6813.
2. It is proposed to remove 4 metres of the stone wall to accommodate the driveway and to construct a pier on each side of the new opening to match the existing wall, using the stone from the removed section of wall.
3.
 - (a) The trial hole has been deepened to 3 metres and the resulting alteration to Site Characterisation Report is attached.
 - (b) The water supply for the proposed house and the existing farm is beside the wind turbine which is actually used for pumping water. This is located 40 metres from and uphill of the proposed treatment system. The pump house shown to the south-east of the proposed access roadway is that of a disused borewell, no longer in use for the farm. Any part of the treatment system/percolation area is not within 18 metres of the dwellinghouse.
 - (c) The revised Site Characterisation details attached include a cross section of the proposed treatment system and percolation area.
 - (d) Copy of 1:2500 scale Ordnance Survey Map showing the location of all borewells and wastewater treatment systems within 250 metres of the proposed site.
4. The existing entrance has been shown widened and achieving the 55 metres required sightline in a north-westerly direction.”

3.4 Clarification of Further Information Request

- The Planning Authority by letter dated 14th October, 2011 requested Clarification of Further Information as follows:

“Sufficient Legal Interest

1. The applicant is required to submit the written legal consent of the salient landowner for the proposed development.

Architectural Heritage

2.
 - (a) The applicant shall submit full details of the design of the proposed piers for internal driveway at the area of the demolished rubble stone wall.
 - (b) Relocation of the statue shall be indicated on the revised Site Layout Plan.

Site Access

3. The applicant is required to demonstrate the achievement of clear and unobstructed 55 metres sightlines from a point 2.4 metres back from the nearside edge of the roadway at the centre of the entrance to the nearer edge of the major road running carriageway which extend through and beyond the adjacent junction. The appropriate eye (1.05 metres and 2.0 metres) and object heights of 0.26 metres and 2.0 metres. respectively, above the road surface, shall be used. The road boundary fence shall be set back behind the sightlines so as to accommodate this requirement.”

3.5 Clarification of Further Information Submission

Clarification of Further Information was received on 25th October 2011 as follows:

- “1. Letter signed by the landowner giving consent to the applicant to make the application for the proposed development.
2. Revised site layout plan showing the relocation of the statue and details of the design of the proposed piers for the internal wall.
3. Sightlines of 55 metres in both directions are shown at the entrance through the major road junction as shown.”

3.6 Submitted Drawings and Documentation

The drawings and documentation received 1st June, 2011 and 27th September, 2011 and 25th October, 2011 have been examined and are noted, in particular the submitted revised Site Layout Drawing (see Key Plan drawing in Appendix B of this report) received 25th October, 2011 which indicates the location of the proposed two-storey replacement dwelling to the east of the existing house and farmyard, and the existing entrance which is proposed to be widened.

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Submission of Stella Fenton on Planning Application

The submission received is noted and included that the objector disputed the title of the applicant to the overall lands as stated.

4.2 Planning Report

This report, dated 18th July 2011, included as follows:

The Planning Application was summarised as stated and it was noted that there was no Planning History on the site. Development Plan provisions relating to the proposed development were documented including under ‘Settlement Strategy’ and ‘Architectural Heritage’.

- Under ‘Design and Layout’ was stated as follows:
 “The applicant proposes the construction of a two storey Georgian style dwelling with a finished floor level of 99.8 metres and with a front building line that is parallel to the public road to the south. The ridge height of the proposed dwelling is circa 9.2 metres.
 It is deemed that the proposed dwelling does not constitute backland development as it is attached to an existing farmyard complex and also a new residential unit is not being created.
 The proposed traditional farmhouse design is deemed to be acceptable to the Planning Authority in this instance.”
- Further Information as specified under ‘Wastewater’, ‘Water Supply’, and ‘Sightlines’ at the proposed entrance, was recommended to be requested. Further Information relating to Land Registry Details was also recommended to be requested further to the third party submission which was noted.

4.3 Planning Report

This report, dated 10th October 2011, included as follows:

“Land Registry Details

1. The applicant is required to submit full land registry documentation and associated maps which clearly demonstrate his legal interest in said lands.

Land registry details have been submitted which illustrate that Bridget Wall is the full owners of said lands since 6th December 1989. No written letter of consent from Bridget Wall pertaining to this application has been submitted by the applicant. This information is required to demonstrate that the applicant has sufficient legal interest in said lands”, and

“The applicant’s response states that it is proposed to remove 4 metres of the stone wall to accommodate the driveway. Piers will be constructed to either side of said access point using stone from the demolished area of wall. I discussed the issue with Executive Conservation Officer Rose Ryall on 10th October 2011. She stated that full details of the design of the piers would be required and said issue may be resolved by the inclusion of appropriate conditions in any grant of planning permission. Relocation of the statue would also be required by the Planning Authority.”

- Recordings of a trial hole dug to a depth of 3 metres were noted and the revised Site Characterisation Report was considered acceptable. It was also stated as follows:

“The revised Site Layout Plan demonstrates that clear and unobstructed 55 metres sightlines to the nearside edge of the roadway are not achievable to the south of the existing/proposed access point. All replacement dwelling applications are required to comply in full with the development standards as set out in Chapter 10 of the Waterford County Development Plan 2011-2017. As such, the proposed development is not in accordance with the salient development standards and in the interests of traffic safety and the

proper planning and sustainable development of the area, this applicant should be refused planning permission.

I discussed the issue of sightlines with Roads Department Senior Executive Technician Gerry Walsh on 10th October 2011. He stated that the full achievement of sightlines would be required and also raised concerns pertaining to a substandard access point in such close proximity to the adjacent junction”.

4.4 Final Planning Report

This Final Planning Report, dated 9th November 2011, included as follows further to the Clarification of Further Information received 25th October, 2011: “Letter on file dated 24th October from the salient landowner providing the consent as requested in the C.F.I. request.....”,

“The applicants propose the construction of 1.5m high piers on either side of the new opening to match the existing wall. The stone from the removed section of wall will be utilised to construct same. This is deemed to be acceptable”,

“The statue is to be relocated to the north-west of the proposed access. This is deemed to be acceptable...”, and

“The applicant has demonstrated the 55 metre sightlines through the junction as requested. As such, same is deemed to be acceptable.”

- Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

4.5 Notification of Decision of Planning Authority

The Planning Authority, Waterford County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 11 Conditions, including as follows:

- Condition No. 2 relating to the site entrance as specified.
- Condition No. 3 relating to the proposed wastewater treatment system as specified.
- Condition No. 10 which includes requiring as follows:
“Upon the completion of the proposed dwelling the existing dwelling in the west of the site shall be used for storage purposes only and shall not be used for habitable purposes.
Reason: To define the scope of permission, to comply with the rural settlement strategy and in the interests of orderly development.”

5. APPEAL GROUNDS

5.1 Third Party Appeal

The appeal submissions included as follows:

- Legal issues as stated were raised relating to the title to the landholding and the consent of the landowner to the planning application, and also

“As I have a vested interest and her right to give any of this property is under investigation. I object to using the same farm entrance to new house as a danger from machinery etc. and cattle – also to knocking old stone wall across yard as a heritage interest.”

6. APPEAL RESPONSES

6.1 Appeal Observation

No appeal observation was received.

6.2 Planning Authority Appeal Response

This appeal response received 16th December, 2011 stated as follows:

“The matters referred to by the appellant, Ms. Stella Fenton are of a civil nature and are not deemed to be of a planning consideration. To this end, the Planning Authority has no further comment to make on the matters raised in the appeal.”

7. PLANNING HISTORY

There is no reference to previous planning applications on the appeal site in the appeal submissions, and the Planning Authority has not forwarded any history documents.

8. DEVELOPMENT PLAN

8.1 The provisions of the 2011-2017 Waterford County Development Plan have been considered and in particular the following provisions which are attached in **Appendix C – Development Plan**.

- * Site Location within a ‘Stronger Rural Area’ as identified in Volume 3 – Appendix A3 of the Development Plan – ‘Rural Housing Strategy Map’.
- * Section 4.9.2 – ‘Stronger Rural Areas’
- * Policy SS5 – “To cater for the housing requirements of the local rural community who have a genuine housing need in Stronger Rural Areas ...”

* Section 4.10 – ‘Genuine Local Housing Need’

- The Planning Report for the Planning Authority noted as follows:
“There are two protected structures within the curtilage of the site.
 1. Free-standing cast iron pump.
 2. New-town farm – Attached three-bay single storey outbuilding with half attic.These are located adjacent to the roadside in the south west of the site.”
- The Record of Protected Structures in the Development Plan is noted including the entry under RPS 635 ‘Newtown Farm – Farmyard’ relating to NIAH Reg. No. 22806008 – ‘Description’ and ‘Appraisal’ now attached and including Rubble Stone Outbuilding c.1910 with ‘Flight of Stone Steps’ and Gateway c.1860 including rubble stone piers and boundary wall.

8.2 The ‘Sustainable Rural Housing – Guidelines for Planning Authorities’ published by the Department of the Environment, Heritage and Local Government in 2005 have also been noted.

9. PLANNING ASSESSMENT – Issues and Evaluation

Further to my examination of the documents on file and the site inspection, it is considered that it is appropriate to undertake a planning assessment of the issues raised by the applicant, the Planning Authority and the appellant, and in the submissions on the planning application, in the course of this appeal, under the following general heading:

Proposed Development and First Party Appeal Grounds

At the outset it is noted that the proposed two-storey farm dwelling (area 185 square metres) on a substantial landholding is a replacement farm dwelling for an existing farm dwelling which is submitted to be in substandard condition and which following construction of the proposed dwelling, is proposed to be used as a ‘Storage Building’ as submitted. As such the applicant would qualify by reason of ‘genuine local housing need’ in this rural area designated as a ‘Stronger Rural Area’ in the Development Plan and this is not in dispute.

The appeal site (0.65 hectares or 1.7 acres) including the existing farmyard and farm dwelling, and part of the adjoining agricultural field to the east, is located on the eastern outskirts of Newtown village and includes attractive hedgerow and tree planting along the public road to the south and west, and an existing attractive vehicular entrance into the existing farm dwelling and farmyard from the public road to the west – which existing farm entrance it is proposed to widen and improve as indicated in the later Further Information Submissions received 27th September, 2011 and 25th October, 2011.

The design as submitted of the proposed traditional-style two-storey dwellinghouse including hipped roof, protruding front porch and vertical

fenestration was considered appropriate by the Planning Authority and I concur in the context of the attractive traditional farmyard setting to the east.

An existing septic tank on site is proposed to be decommissioned. I note the Further Information Submissions received 27th September, 2011 and 25th October, 2011 by the Planning Authority in regard to the proposed development included submissions relating to the proposed Wastewater Treatment including deepening of the trial hole to a depth of 3 metres and a revised Site Characterisation Report which was considered acceptable by the Planning Authority.

The submitted third party appeal grounds were in two parts – firstly raising legal issues relating to the title to the landholding and consent of the landowner to the planning application. In this regard the Further Information Submission received by the Planning Authority is noted which included as stated ‘Copy of the Property Registration Authority details for the ownership of the full County Waterford Folio WD6813’, and the submitted Property Registration Authority Map Folio WD6813.

I further note that the subsequent Clarification of Further Information Submission received by the Planning Authority on 25th October, 2011 included as submitted ‘Letter signed by the landowner giving consent to the applicant to make the application for the proposed development’, and the submitted signed letter dated 24th October, 2011 is noted in this regard. Further to the above submissions in my opinion the issues raised in the third party appeal relating to the title to the landholding are legal issues between the parties which are not required to be adjudicated on by An Bord Pleanála in the determination of the current appeal.

The other issues in full raised in the third party appeal were as follows:
“As I have a vested interest and her right to give any of this property is under investigation. I object to using the same farm entrance to new house as a danger from machinery etc. and cattle – also to knocking old stone wall across yard as a heritage interest.”

In this regard I note that issues relating to the proposed vehicular entrance to serve the replacement house and the heritage interest of the existing farmyard were considered in detail by the Planning Authority. The Planning Report dated 10th October, 2011 noted the Further Information Submission relating to the proposed entrance – where in response to the requirement for the improvement of sightlines at the existing entrance, it was stated that four metres of the stone wall would be removed with provision of two piers in reused stone – which subject to conditions regarding the piers design, was acceptable to the Conservation Officer as stated.

There was also reference to a requirement for ‘relocation of the statue’ which on site inspection, see Photo 9 in Appendix B, would appear to apply to the Lion figure mounted on top of the stone wall to the east of the existing dwelling, which would require to be removed at this location to facilitate the driveway to the proposed new dwelling further to the east.

The above Planning Report for the Planning Authority also noted concerns relating to ‘the full achievement of sightlines in accordance with the requirements of the development standards in Chapter 10 of the Development Plan.’ In this regard I note Section 10.2.5 ‘Sightline Provision’ and Table 10.1 ‘Minimum Sightline Requirement’ in the Development Plan which specifies minimum sight distances onto Local Roads.

The Final Planning Report dated 9th November, 2011 noted that the applicant had demonstrated the 55 metre sightlines as required, and the traffic safety issues raised in the third party appeal grounds are noted in this regard and that the existing vehicular access would be improved from a traffic safety viewpoint further to the proposed development.

The Final Planning Report also noted that “The applicants propose the construction of 1.5m high piers on either side of the new opening to match the existing wall. The stone from the removed section of wall will be utilised to construct same”, and that the Lion statue was proposed to be relocated to the south-west of the proposed driveway to the replacement dwelling which submissions were considered acceptable.

However I consider that these required alterations to the Gateway c.1860, entrance comprising a pair of rubble stone piers with pyramidal capping and random rubble stone flanking boundary walls, see attached Photograph, as described in the National Inventory of Architectural Heritage Reg. No. 22806008, and which is ‘high quality stone masonry’ adjacent to ‘the rubble stone Outbuilding’ with ‘flight of stone steps’ which is part of the Newtown Farmyard – Protected Structure RPS 635 under the 2011-2017 Waterford County Development Plan, would result in removal of the historical and social interest of this Gateway c.1860, and would seriously detract from the setting of the adjacent Outbuilding within the Newtown Farmyard Protected Structure Ref. RPS 635.

Accordingly it is recommended that a Condition should be included in any grant of permission for the proposed development which would require that the pair of rubble stone piers and the rubble stone flanking boundary walls, should be taken down and relocated northwards and further set back from the public road in a location to be agreed with the Planning Authority, and reerected under the supervision of a skilled traditional stonemason. It is considered that sightlines would thereby be improved at the entrance onto the public road while also safeguarding the character of the Gateway c.1860 and adjacent Outbuilding in this traditional farmyard which is a Protected Structure.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be in accordance with the proper planning and sustainable development

of the area having regard to the relevant provisions of the Development Plan, which are considered reasonable, and I recommend that permission be granted for the proposed development for the stated Reasons and Considerations in the First Schedule and subject to the Conditions as stated in the Second Schedule below.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the Reasons and Considerations under and subject to the Conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the 'Stronger Rural Area' designation for the area in the 2011-2017 Waterford County Development Plan and the pattern of development in the area, and the 'Sustainable Rural Housing – Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in 2005, and having regard in particular to the nature of the proposed development as a replacement farm dwelling for the existing substandard farm dwelling on a large landholding where the applicant qualifies under the criteria set out in Section 4.10 'Genuine Local Housing Need' within this designated Stronger Rural Area, it is considered that, subject to compliance with the Conditions in the Second Schedule, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be undertaken and completed in accordance with the plans and particulars lodged with the application on the 1st day of June, 2011 and the further plans and particulars received on the 27th day of September, 2011 and 25th day of October, 2011, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Revised proposals for the widening of the existing Gateway c.1860 entrance shall be agreed in writing with the planning authority prior to commencement of any development. The works shall be completed prior to occupation of the new dwelling and shall include the setting back and relocation northwards of the existing pair of rubble stone piers with pyramidal capping and the random rubble stone flanking boundary walls on either side of a widened entrance.

The piers and flanking walls shall be taken down and rebuilt in the revised location under the continual supervision of a skilled traditional stonemason who shall be considered acceptable by the planning authority to undertake such works. The relocation shall ensure that the adjacent flight of stone steps to the side of the adjacent farm outbuilding are protected. The existing stone wall along the eastern boundary to this traditional farmyard shall be retained other than where removed to provide a driveway to the replacement house, and if required the Lion figure may be mounted thereon.

Reason: In the interest of protecting the character of the traditional Farmyard at Newtown Farm which Farmyard is a Protected Structure Ref. No. RPS 635 including the attractive entrance gateway c.1860 and the adjacent stone outbuilding.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

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

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

- 6. Roof finishes of the proposed two-storey dwelling shall be blue/black slate and the external walls shall be finished in a neutral shade of painted plaster.

Reason: In the interest of visual amenity.

- 7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

- 8. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along all side and rear boundaries of the site as indicated in the location of the Proposed Planted Boundary on the revised Site Layout Plan drawing received 25th day of October, 2011

- (b) planting of trees at 5 metre intervals along the above boundaries.

Any plants which fail, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

9. Upon the commencement of use of the proposed dwelling, the existing dwelling on the site shall be used for storage purposes only and shall not be used for habitable purposes.

Reason: To define the scope of permission, to comply with the rural settlement strategy and in the interests of orderly development.

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

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

21st February, 2012.

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APPENDIX A - LOCATION MAP
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
APPENDIX C - DEVELOPMENT PLAN