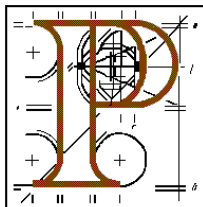


An Bord Pleanála



Inspector's Report

Site Address: Ardagh, Union Hall, Co. Cork.

Proposal: Construction of dwelling house

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 15/597

Applicants: Martin and Mary Deasy

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant: Greg Cunningham and Joseph Fahy

Type of Appeal: 3rd party –v- grant

Observers: None

Date of Site Inspection: 29th March 2016

Inspector: G. Ryan

1.0 SITE

- 1.1** The appeal site is located within the village of Union Hall which lies on the western shore of Glandore Bay in West Cork. The appeal site comprises elevated grazing lands of grass and gorse to the rear of a row of detached residential dwellings of varied style which address the public road. There is also a well-established two storey dwelling on a large landscaped site located adjacent to the western boundary.
- 1.2** The site enjoys panoramic views over the village and the bay. Overhead ESB lines cross the southern part of the site and there is a ESB pole located adjacent to the southeastern boundary of the main body of the appeal site. There is also a water tank located towards the southwestern boundary of the appeal site.
- 1.3** The site has a stated area of 0.2771ha and is located in the southwest corner of a larger landholding.

2.0 PROPOSAL

2.1 BROAD OVERVIEW

- 2.1.1** The proposed development consists of a 2 storey house (252m²) and a garage (32m²), along with an access road.
- 2.1.2** The house design is billed as 'one and a half stories'. In section, it can be seen that the roof pitch extends into the first floor somewhat. The ridge height is given as 7.53m above ground floor level.
- 2.1.3** External finishes include a mix of stone and render with blue / black slate to roof. The proposed house is sited at a level of 17.0m which is approximately 14.5m above road level in the vicinity of the entrance. The proposal would involve an amount of cut and fill. Proposed access is by way of a new road running from the south east and along the rear of the existing houses fronting the public road.
- 2.1.4** Water supply is to be via a new connection to the public mains, while wastewater is to be via a new connection to the public sewer via a primary effluent treatment system on site. Surface water is to be directed to an existing stream. In the event of low water pressure, a bored well would be used.
- 2.1.5** The applicants give an address at Páirc na Fána, with is a housing scheme a short distance to the southwest of the site.
- 2.1.6** The applicants are the prospective purchasers of this site.

2.2 MASTERPLAN

- 2.2.1 A document titled ‘Masterplan’ was prepared by Pat Lyons and Associates planning consultants. It is effectively a planning report in support of the application, with a focus on the issue of the future development of adjoining sites to the east of the subject site, within the larger landholding, as raised in the board’s previous refusal. Some points of note from this report can be summarised as follows.
- 2.2.2 The lands are owned by Donal O’Connell who lives in the original farmhouse at the foot of the slope. It is proposed that a total of 4 dwellings could be constructed on these lands (0.8914ha), and that any individual application could be assessed against the masterplan. The access, sanitary, telecom, and electricity utilities proposed under the subject proposal would serve all 4 sites.
- 2.2.3 The report notes that the lands are within the development boundary of Union Hall, and that as such, the principle of development is acceptable, as determined by the planning officer and planning inspector under PL88.243253.
- 2.2.4 The topography of Union Hall is such that much of the land is sloping and prominent, but this is the case for much of County Cork. Photographic examples of village development on sloping lands is given in Appendix 5. The report notes that the slopes on the east side of the town have already been developed. To restrict development on these lands would create even more unsustainable one-off houses in the countryside.
- 2.2.5 A combination of topography, layout, and planting, would prevent overlooking of adjacent properties. The separation distance to the nearest existing house to the south would be 39m, significantly in excess of the recommended 21m.
- 2.2.6 Appendix 1 consists of a photomontage showing the proposed house, along with the other 3 houses within the masterplan site, within the context of the surrounding development. The original photograph would appear to have been taken from the causeway.
- 2.2.7 Appendix 2 consists of indicative drawings of the other houses within the masterplan site, along with sections and contextual elevations.
- 2.2.8 Appendix 3 is an engineering report, with drawings. Appendix 4 is a landscape plan.

2.3 UNSOLICITED FURTHER INFORMATION

- 2.3.1 The applicant’s agent submitted a rebuttal of the 3rd party objection on file.

3.0 SUMMARY OF REPORTS TO THE PLANNING AUTHORITY

3.1 DEPARTMENTAL REPORTS AND EXTERNAL CONSULTEES

3.1.1 Estates

3.1.2 A report titled 'Estates Primary Report' concerns itself with the issue of flood risk and concludes that there is no flood risk to the site. There are no objections.

3.1.3 Area Engineer

3.1.4 There is adequate room for car parking and turning. Sightline requirements are given. No objections subject to conditions.

3.1.5 Environment Report

3.1.6 No objections subject to conditions.

3.1.7 Irish Water

3.1.8 No objections.

3.2 REPRESENTATIONS

Objections were submitted on behalf of the current appellant. The matters raised in these objections are largely reflected in the appeal grounds summarised in section 6.1 below. Other matters of note can be summarised as follows.

- Includes photographs, including views of the site from the roadside houses to the immediate south.
- Includes printouts from property websites showing houses for sale in the vicinity.

3.3 PLANNING OFFICERS REPORT

The issues raised in the planning officer's report can be summarised as follows.

3.3.1 The site lies within the development boundary of Union Hall, which has been unchanged since the 2005 LAP. Since 2010, no new dwelling within the development boundary has been permitted. Two large housing schemes were refused on appeal under PL88.235605 and PL04.226855 in 2007 and 2009, largely due to sewage disposal concerns. The report refers to other planning histories in the vicinity, including 3 'one off' houses outside the development boundary, which were granted since 2006.

3.3.2 The report outlines the discussions that took place in connection with a number of pre-planning meetings held in respect of this site.

- 3.3.3 The planning officer notes that some will form the view that no development should occur in the subject area due to the fact that the lands are elevated, exposed, and that this would introduce a second tier of dwellings above the road. However, to take this position would be to effectively redraw the development boundary set out in the 2005 LAP, which has not since changed.
- 3.3.4 The 2011 LAP recognises that the lands to the east of the village are sensitive, but is silent on lands to the north.
- 3.3.5 All lands within the village slope to some degree. Furthermore, while the LAP states that development of these lands should be avoided, it does not say that it should be precluded.
- 3.3.6 The planning officer's report contains a significant body of assessment on the principle of development and the visual impact, and reflects and concurs with much of the material presented in the submitted masterplan.
- 3.3.7 First floor windows in the eastern gable should be omitted, with reference to the development potential of adjoining plots.
- 3.3.8 On the basis of the submitted sections, and the 39m separation distance, the planning officer does not consider that the proposed development represents an undue threat in terms of overlooking of adjoining properties.
- 3.3.9 The proposed retaining wall is quite high, but is considered acceptable.
- 3.3.10 The planning officer note the 'fall back' proposal for a bored well on site. However, on the basis of Irish Water's submission, this should not be necessary.
- 3.3.11 Discharge of wastewater to the public system is to be via a septic tank. The wastewater treatment plant at Union Hall is over capacity. The board's inspector under PL88.243253 was clearly of the view that this was unacceptable, but this did not translate to a refusal reason by the board. The question arises as to whether 'exceptional circumstances' apply. On this issue, the planning officer points to the fact that more housing has been built outside of Union Hall, on septic tanks, than within it.
- 3.3.12 On the question of the applicants being 'qualifying applicants', this consideration does not apply to applications within a village.
- 3.3.13 Recommends a grant of permission.

4.0 PLANNING AUTHORITY DECISION

The planning authority decided to grant permission subject to 26 conditions, many of which could be considered 'standard' conditions. Others of note can be summarised as follows.

- 2 Landscaping bond.
- 7 Omission of first floor eastern windows.
- 9 Limits height of gable walls.
- 10 'De-exempts' extensions.
- 13-15 Stipulates sight lines at entrance.

5.0 HISTORY

5.1 PREVIOUS REFUSAL

PL88.243253 (planning authority ref 13/655) – Permission refused for a house on this site. The appellants and applicants were the same parties as under the current appeal, and the scheme itself was largely similar. The refusal reasons were as follows (my emphasis).

1. *Having regard to the proposal to access the proposed dwelling house from a new access way giving access to land at a higher elevation than the main road and the surrounding houses, the Board considers that, in the absence of a master plan showing the future development of lands which could be accessed by this proposed roadway, it is not in a position to determine the future impact of the opening up for development of these lands which would be brought about by the creation of this roadway. The proposal would therefore be **premature pending a master plan** for the development of these elevated lands and would constitute piecemeal and un-co-ordinated development and would not be in accordance with proper planning and sustainable development.*
2. *In the **absence of three dimensional representation** of the proposal at this elevated location the Board is not satisfied that the proposed two storey development, both in itself and by the precedent which it would set for other similar housing immediately adjacent, would not be **visually obtrusive**. The proposal would therefore be seriously injurious to the residential and visual amenities of the area*

I note that the Inspector in this case recommended refusal on the basis of visual impact with reference to designated scenic routes, haphazard backland development, and the deficiencies of the public wastewater system, notwithstanding the proposed use of a proprietary wastewater treatment system prior to discharge.

5.2 PRE-PLANNING

The application form and Masterplan report make reference to a number of pre-planning meetings with the planning authority's officers.

A masterplan dated June 2015¹, prepared on foot of the board's 1st refusal reason above, and incorporating photomontages, was submitted to the planning officers for comment. A letter from an Executive Planner opines that the masterplan should hopefully address the issues raised in the board's decision. The letter notes that the site is within the development boundary of Union Hall, and that while this is a difficult site to develop, the topography of the village will virtually always dictate this. The letter makes some suggestions regarding cross sections and heights, and suggests the lowering of retaining walls.

6.0 POLICY

6.1 CORK COUNTY COUNCIL DEVELOPMENT PLAN 2014

Scenic route S83 includes the southwestern approach road to Union Hall, terminating in the town. Policy GI 7-2 relates to the preservation of these views. Policy GI 6-1 relates to the preservation of landscape generally.

The site and town are within an area designated as a 'High Value Landscape, which is a designation that applies to the entirety of the county's coastline, and some other inland areas.

In terms of Rural Housing policy, the site is within the town's development boundary, but surrounded by a 'Tourism and Rural Diversification' designation.

6.2 SKIBBEREEN ELECTORAL AREA LOCAL AREA PLAN 2011

The site is within the settlement boundary for the village. Objective DB-01 is applicable, with relevant sections as follows.

“(a) Within the development boundary of Union Hall it is an objective to encourage the development of up to 80 houses (including 3 permitted units) in the period 2010-2020. In order to secure the population growth and supporting development proposed, appropriate and sustainable water and waste water infrastructure that will help secure the objectives of the relevant River Basin Management Plan and where applicable the protection of Natura 2000 sites, needs to be provided in tandem with the development.

(b) The number of houses in any particular individual scheme should have regard to the scale and character of the existing village and will not normally exceed the provision of up to 12 units.

¹ i.e., predating the 'October 2015' copy submitted with the application.

(c) All development should be connected to the public water supply, the public wastewater treatment system and make adequate provisions for storm water storage and disposal.

(d) Residential development in other areas shall provide for small groups of houses, detached housing, serviced sites and / or self-build options.

.....

(g) It is an objective to protect the setting of the village, the coastline and its immediate surrounds, particularly the lands adjoining the Harbour.” ...

Section 11.4.2 of the plan is also of relevance to the issues raised in the appeal and is as follows.

The development boundary defines the existing extent of the area where new development may be considered, whilst also allowing for some expansion for residential development to the west of the village core. During the lifetime of this Plan, development will focus mainly on these lands, located close to the village core. The lands within the development boundary to the east of the village along the approach road into the village are sensitive and more elevated in nature and development on these lands should be of a scale in keeping with such a prominent and sensitive location.

6.3 NATURAL HERITAGE DESIGNATIONS

The nearest Natura 2000 site is Myross Woods SAC, around 1.7m to the north, within the inner part of Glandore Harbour.

7.0 GROUND OF APPEAL

The 3rd party appeal was submitted by Joseph Fahy and Greg Cunningham, who give an address in Cork City. The main grounds of this appeal can be summarised as follows.

- 7.1.1 The proposed development would be visually intrusive.
- 7.1.2 The proposed development is unnecessary due to the local oversupply of housing.
- 7.1.3 The access road (entrance junction) would be unsafe.
- 7.1.4 The scheme is inconsistent with the Local Area Plan, which repeatedly cites the undesirability of development on the raised ground in Glandore Harbour.
- 7.1.5 A precedent would be set for residential development on raised scenic areas around Glandore Harbour.

- 7.1.6 Appendix 5 of the masterplan submitted by the applicant shows precedents for developments in similar locations, but these are not desirable precedents.
- 7.1.7 The appeal is accompanied by copies of application documentation found elsewhere in the appeal file.

8.0 SUMMARY OF RESPONSES

8.1 PLANNING AUTHORITY

- 8.1.1 The planning authority have responded to the matters raised in the appeal by way of a letter from the case planning officer. It generally reflects matters contained in the planning officer's report, and endorses the planning authority's decision to grant permission.
- 8.1.2 A report from the Area Engineer is also included, and reiterates the AE's position that the proposed development is acceptable in terms of water/drainage, and road safety. Condition 13 of the planning authority's decision will ensure the provision of the necessary sight lines at the site entrance.

8.2 FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

- 8.2.1 A response submitted by Daly, Barry, and Associates Architects and Planning Consultants on behalf of the applicant counters the grounds of the appeal, asserts that the scheme is in compliance with relevant planning policy, and that it would not adversely affect the character or amenities of the area.

9.0 ASSESSMENT

Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following broad headings:

- Principle of Development
- Masterplan
- Visual impact
- Impacts on residential amenities
- Servicing and traffic
- Screening for Appropriate Assessment

9.1 PRINCIPLE OF DEVELOPMENT

- 9.1.1 The parties to the appeal – the applicant and the planning authority on one hand, the appellants on the other – differ on their interpretations of two key aspects of the LAP and how they interact. The site lies within the development boundary for the town (there is

no zoning), but the LAP contains policies urging sensitivity in the developing of elevated lands.

9.1.2 However, on inspection of the plan, the elevated lands that are mentioned in Section 11.4.2 of the plan are those that lie to the east of the village, whereas the subject site lies to the north. As such, no restriction or qualification applies in this instance due to the site's elevated nature.

9.1.3 In my opinion, the site's location within the development boundary of the town gives it a favourable presumption in the first instance. I note the planning officer's contention that development of the type proposed could offset the demand for one-off developments in the open countryside on unserviced sites. This contention has considerable merit, in my opinion.

9.2 MASTERPLAN

9.2.1 The board's refusal reason No. 1 under PL88.243253 was based on the absence of a masterplan for the development of the wider 'blue line' landholding to the east of the subject site, which would be de-facto served by the proposed access road. The applicant has, in my opinion, addressed this shortcoming under the current proposal by way of the stand-alone masterplan document submitted with the application. This shows the potential development of 3 further detached houses to the east of the subject site.

9.2.2 In my opinion, the board is now in a position to assess the likely/possible future development of these lands in an informed and comprehensive way, but without prejudice to any future application on these lands.

9.3 VISUAL IMPACT

9.3.1 There is no doubt but that the subject proposal would be a significant visual intervention into the village of Union Hall when viewed from a number of key locations, particularly to those who have become accustomed to the backdrop of a green hillside behind the existing row of roadside houses. However, it should be noted that, based on historical aerial photography, the existing row of roadside houses was itself only constructed since 2000.

9.3.2 The applicant contends that many towns and villages across the county of Cork incorporate parts of their built form on hillsides, and has submitted photographs to this effect. In my opinion, this argument is quite persuasive. Indeed, it is the case that there is housing behind/above the primary building line on the south side of the town, facing the subject site.

9.3.3 It should be noted that no scenic routes or specific designations apply to the site or its surrounds that would inform this issue.

- 9.3.4 The board's refusal reason No 2 under PL88.243253 related to the lack of a 3D visualisation. The applicant has addressed this shortcoming by way of a photomontage. Not only does this show the subject proposal, but also the other 3 houses within the masterplan lands. In my opinion, this shortcoming has been successfully addressed, and the board is in a position to come to an informed assessment of this issue.
- 9.3.5 In my opinion, the proposed development would represent a significant visual impact, but it would not be unduly negative, nor would it jar with the character of the village to the extent that would warrant a refusal of permission.

9.4 IMPACTS ON RESIDENTIAL AMENITIES

- 9.4.1 The proposed house's position relative to the adjoining houses to the south is somewhat challenging. The site section submitted would appear to suggest that only the roof of the house to the south would be visible from the subject property. While this would appear to be the case in relation to the ground floor rooms, there would be potential overlooking from the first floor rooms. However, given the separation distances, which are in the order of 39m, I do not consider that there are sufficient grounds for a refusal, nor do there need to be additional mitigatory measures put in place.
- 9.4.2 I note that the southern part of the subject site is significantly steeper than the central portion, on which the house is proposed. This convex nature of the site's topography will naturally screen the proposed development from the housing to the south, to an extent.
- 9.4.3 I do not consider it necessary to require the omission of the two first floor east-facing windows, as per the planning authority's condition No 7.

9.5 SERVICING AND TRAFFIC

- 9.5.1 The proposed junction arrangements are acceptable in terms of their relationship to the existing nearby T-junction and consequent safety concerns. This is a village centre location, where it would be reasonable to assume drivers would exercise increased vigilance and slower speeds as would be the case in the open countryside.
- 9.5.2 I note the capacity constraints of the existing wastewater treatment infrastructure. The proposal to undertake primary treatment on site is also noted. While this arrangement is not ideal, I consider it acceptable on balance in light of the small increase in loading and the likely interim nature of this arrangement.

9.6 SCREENING FOR APPROPRIATE ASSESSMENT

- 9.6.1 The nearest Natura 2000 site is located approximately 1.5km to the north, at Myross Wood cSAC (Site Code 001070). Given the minor nature of the proposed development, I do not consider that the proposed development would be likely to have any significant effects on the integrity of a European site having regard to its conservation objectives.

9.7 CONCLUSION AND RECOMMENDATION

- 9.7.1 Based on the above, I recommend that permission has been granted. The applicant has successfully addressed the board's previous reasons for refusal. The proposed development would represent a significant intervention in visual terms, but given that this land is within the development boundary, and given the precedent for developing elevated lands, both within the village and in a county context, I consider the proposed development to be acceptable in this regard. The proposed development would not have an undue impact on residential amenities, and would be acceptable in terms of servicing and access.
- 9.7.2 I recommend conditions along the lines of those of the planning authority, amended as per the below.

10.0 REASONS AND CONSIDERATIONS

Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

- 2 BEFORE any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall provide, to the satisfaction of the Planning Authority, security in the amount of €1,500 to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition No.3. The sum lodged pursuant to this condition shall be refunded only when it is certified by the Planning Authority that the planting and landscaping have been completed to its satisfaction.

Reason: To ensure the satisfactory completion of the development.

- 3 The site shall be landscaped in accordance with the details shown on the Site Layout Plan Drawing Number 3840-P-10 received by the Planning Authority on the 22nd October 2015. The said scheme shall be implemented within the first twelve months following the first occupation of the proposed dwelling, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity.

- 4 All planting shall comply with the specifications of the landscaping scheme agreed and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.

Reason: In the interests of visual amenity.

- 5 Finished floor level(s) of the proposed dwellinghouse and garage shall be in accordance with the details lodged with the Planning Authority on the 22nd October 2015.

Reason: In the interests of visual amenity.

- 6 External finishes to the proposed dwelling shall be as follows:
- Roof coverings shall be slate or flat tile coloured dark grey/blue black or other colour agreed with the Planning Authority.
 - All rainwater goods, fascia etc. shall be black or dark brown in colour.
 - All external walls shall be faced in neutral painted plaster and random local stone.

Reason: In the interests of visual amenity.

- 7 The windows of the proposed dwelling shall be a natural hardwood finish or a dark coloured Pvc or coated aluminium and installed as shown on the drawings submitted on 22nd October 2015 and no change, to this window design and construction shall be made, save with the prior written agreement of the Planning Authority. The use of white Upvc is not permitted.

Reason: In the interests of visual amenity.

- 8 The rear retaining wall, as indicated in Drawing Number 3840-P-11 received by the Planning Authority on the 22nd October 2015 shall NOT exceed 1.50 metres in height, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of amenity.

- 9 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area

10 The garage shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such.

Reason: In the interests of residential amenity.

11 The external finish and roofing materials of the proposed garage shall match the finish of the existing dwelling.

Reason: In the interests of visual amenity.

12 PRIOR to the commencement of any development on the footprint of the dwellinghouse, including excavation of any foundations, full details of a legal agreement that shall be submitted to the Planning Authority for approval shall provide as a burden in the title deeds the provision of the following elements:

- The provision of a sight distance of 70 metres to the west and 50 metres to the east from centre point of the entrance 3.0 metres back from the public road edge. Thereafter no vegetation or structure shall exceed 1.0 metre in height within this sight distance triangle and such protected sightlines shall thereafter always be provided in perpetuity by all occupiers and their successors in title at the subject site and lands to the east of the subject site.
- Unimpeded/unrestricted access over the new private road and in perpetuity by all occupiers and their successors in title at the subject site and lands to the east of the subject site.
- A maintenance agreement for this private road and in perpetuity by all occupiers and their successors in title at the subject site and lands to the east of the subject site.

Reason: To provide proper sight distance for emerging traffic in the interests of road safety and to ensure that lands to the east have a proper right of access in perpetuity.

13 Entrance shall be recessed a minimum of 4.50 metres from front boundary fence and side walls shall be splayed at an angle of 45 degrees and walls and piers shall not exceed a height of 1.0 metre over the level of the adjoining public road.

Reason: To provide proper sight distance for emerging traffic in the interests of road safety.

- 14 Entrance avenue shall be set level with the public road edge to the Planning Authority's satisfaction for a distance of 10 metres back from edge of carriageway.

Reason: In the interests of road safety.

- 15 Existing roadside drainage arrangements shall be preserved to the satisfaction of the Planning Authority.

Reason: To preserve proper roadside drainage and to prevent the flooding of the public road.

- 16 Existing inlets or drains taking surface water from the public road into the site shall be preserved and maintained.

Reason: To prevent flooding of the public road.

- 17 The septic tank and discharge foul sewer shall be designed, installed and operated in accordance with the proposals submitted herein and to the satisfaction of the Planning Authority.

Reason: To ensure the satisfactory design, construction and maintenance of the septic tank drainage system.

- 18 All surface water shall be contained within the site and piped to the public system and there shall be no ponding of surface water along the access road, or at the junction between the access road and the public road.

Reason: To prevent flooding and in the interests of traffic safety.

- 19 Surface water shall not be permitted to flow onto the public road from the site.

Reason: To prevent the flooding of the public road.

- 20 All solid waste arising on the site including any construction and demolition waste, rock, soil and stone, shall be recycled as far as possible. Any materials exported from the site for recovery, recycling or disposal shall be managed at an approved licensed facility. Adequate on site arrangements shall be made to the satisfaction of the Planning Authority for the storage of recyclable materials prior to collection.

Reason: To protect the local environment.

- 21 During construction noise levels emanating from the proposed development when measured at noise sensitive location shall not exceed 55dBA (15 minute Leq) between 08.00 hours and 18.00 hours, Monday to Friday inclusive, and shall not exceed 45 dBA at any other time. Measurements shall be made in accordance with ISO recommendation R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic Quantities and Procedures." If noise contains a discrete, continuous tone (whine, hiss screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of + 5dbA will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.

Reason: To protect the amenity of the area.

- 22 All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site.

Reason: To protect the environment.

- 23 Any over ground tanks containing liquid fuels shall be contained in a waterproof bunded area of sufficient volume to hold 110% of the value of the largest tank within the bund. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking penstock valve, which shall be opened only to discharge storm water to the interceptor. The developer shall ensure that this valve is locked at all times.

Reason: To protect the environment.

- 24 A connection shall be made to mains water supply and the proposed dwelling shall not be occupied until the water and sewage services serving the dwelling are installed and functioning in accordance with the connection agreement made with Irish Water, unless otherwise agreed in writing.

Reason: To ensure that satisfactory water and waste water arrangements are in place to serve the development.

- 25 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance

with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

G. Ryan
Planning Inspector
5th April 2016