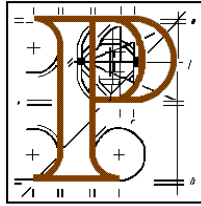


An Bord Pleanála



Inspector's Report

Appeal Reference: PL05.246330

Development: Retention of light industrial unit with office, w.c., rainwater harvesting unit and ancillary works, together with permission for on-site package treatment plant and associated polishing filter system at Drumhaggart, Muff, Lifford, Co. Donegal.

Planning Application

Planning Authority Donegal County Council
Planning Authority Reg. Ref. 15/51409
Applicant: Robert Irwin
Type of Application: Permission
Planning Authority Decision: Grant permission

Planning Appeal

Appellants: Audrey Moyne
Type of Appeal: Third Party
Observer(s): None
Date of Site Inspection: 23rd May 2016

Inspector: Donal Donnelly

Appendices: Photographs and maps

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located in the townland of Drumhaggart in northern Co. Donegal at the southern end of the Inishown Peninsula. Burnfoot is approximately 4km west of the site and Muff is 4.8km to the east. The border with Co. Derry lies as close as 1.1km to the south and Derry City Centre is approximately 6km further south.
- 1.2 The site is accessed off the R239 regional route at a point where the 80 kph speed limit applies. The surrounding area is rural in character; however, there is linear residential development along the R239, in particular on the approach to the site from the east. Despite the relatively high population density in the vicinity, there is no nearby settlement. The population density of the small area within with the site is located was 65.6 persons per sq.km. at the 2011 census.
- 1.3 The appeal site is accessed off a roadway serving adjacent commercial buildings. A recently constructed dwelling is situated at the junction of the roadway, and a concrete driveway continues a distance of approximately 150m to the site. The driveway also provides access to adjacent furniture storage warehouses. The area of the site is given as 0.234 hectare.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the following main elements:
 - Retention of light industrial unit with office, w.c., rainwater harvesting unit and associated site development works;
 - Planning permission for an on-site package treatment plant and associated polishing filter system.
- 2.2 The building for which retention permission is sought is in use for the manufacturing of ducting for ventilation and heating systems. The floor area of the building is 386 sq.m. and the maximum height of the structure is 6.75m. The upper part and low pitched roof of the building comprise of grey cladding on plastered block wall. Roller shutter doors are located on the southern and eastern elevations and there is fenestration to the 2-storey element of the building at the western end. This part of the building contains a ground floor design room and canteen with offices above. The main work shop area includes metal presses, a work bench and materials storage area.
- 2.3 There is a hardcore/ gravel area to the front (north) and western side of the building and parking for approximately 8 no. cars. A 3,500 litre underground water storage tank is situated alongside the building. The proposed treatment plant and raised filter will be located in an area of shrub along the north-western boundary of the site.

3.0 TECHNICAL REPORTS

- 3.1 The recommendation to grant permission and retention permission, as outlined within the Planning Report, reflects the decision issued by the Planning Authority.
- 3.2 Under the assessment of the application, it is noted that the building is within a complex of buildings, made up of a storage building and other commercial uses that are not visually obtrusive from the local road network. There are incidental long views of the development; however, it is considered that it does not materially detract from existing visual amenities.
- 3.3 It is stated that the development has limited material measureable impact on residential amenities on the basis of the separation distances from residential properties, including the care facility permitted under Reg. Ref: 12/50831.
- 3.4 The Case Planner considers that the tests set out under Policy ED-P-11 of the Development Plan relating to economic benefit and alternative suitable sites have been satisfied. However, it is also stated that changing economic circumstances over time must also be considered where there is a likelihood that suitable alternatives may present themselves. It is therefore considered prudent to limit the use of the property for light industrial use to a maximum of three years. After this period, it is desirable that the building shall be permitted for storage use to reflect the nature and intensity of existing commercial uses on adjacent lands.
- 3.5 The EHO was unable to fully access the site; however, the Case Planner refers to the prevailing ground conditions that have not significantly altered since previous assessments. It is considered that there is sufficient area to accommodate an on-site effluent treatment system to EPA standards.
- 3.6 The Case Planner is also satisfied that noise issues can be contained and managed. The Roads Engineer has recommended the provision of laybys at either side of the entrance road and the provision of traffic management measures.
- 3.7 It is concluded that a limitation of the duration of permission is appropriate to (a) enable any continued use to be monitored and examined by the Planning Authority into the future, and (b) to provide the developer with a clear opportunity to sustain the benefit of this enterprise to the local economy while actively looking for suitable alternative sites within settlements in the locality.

4.0 PLANNING AUTHORITY'S DECISION

- 4.1 Donegal County Council issued a notification of decision to grant retention permission for the building subject to nine conditions (Schedule A), and to grant permission for the wastewater treatment system subject to one condition (Schedule B).

- 4.2 Condition 1 of Schedule A states that the permission is for a period of three years after which the building shall be used for storage purposes under permission an additional grant of permission is secured for a further period.
- 4.3 Other conditions are attached relating to the provision of visibility splays, boundary treatments, drainage, advertising, noise levels, and development contributions.

5.0 APPEAL GROUNDS

5.1 A third party appeal against the Council's decision was submitted by adjoining landowners. Appended to this submission is correspondence concerning the unauthorised structure and the planning history of the site. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Planning permission has not been sought and buildings have been erected on agricultural land.
- Applicant has been on site since 2012 and after three years he will have been on site for seven years – applicant says he cannot find a suitable site but has made this site to his own specifications.
- If planning permission is granted it will set a precedent that would allow more industrial development on agricultural land - other buildings at this location are storage units and applicant's building is the first light industrial unit.
- There is no explanation for the Council reversing its previous decision to refuse retention permission the previous year.
- History of development on site has been to build first then, if required, apply for retention – granting of permission only endorses this behaviour.
- Residential development has been refused in the area on grounds of adjacent planning history.
- It is important to know the number of employees as economic benefit is a major part of the applicant's justification for the development – transport statement lists two car drivers and no passengers as the daily trips to the site.
- There are numerous sites in designated industrial business parks on both sides of the border, including former Musgrave building in Bridgend and E&I Engineering in Burnfoot.
- Residents of the area are entitled to be protected from an agricultural field becoming an industrial estate through building without planning permission.

6.0 RESPONSES

First party

6.1 The applicant's agent responded to the third party appeal with the following comments:

- Apart from the applicant's unit, all the developments in the vicinity have the benefit of planning permissions, which are not the subject of the current enforcement action.
- Units nearby have valid planning permissions for a garden centre, a decking and shed manufacturing unit and a pipe jointing and bending engineering works.
- Proposal falls within Policies ED-P-9 and ED-P-11 and complies with the criteria outlined in Policy ED-P-16.
- Development located within the same agricultural landholding and 'in-filling' the south-eastern corner of the field would not significantly threaten the integrity of the rural environment.
- Failure of applicant to clearly set out the economic benefits of the development and to provide evidence in relation to the availability of a suitable alternative, as required under Policy ED-P-11, did not offer the Planning Authority the option to grant permission under Reg. Ref: 14/51263.
- Any further proposals for small rural enterprises would be assessed on their merits and in terms of their compliance with Development Plan policies.
- Residential development proposal Reg. Ref: 13/51405 is unrelated to the planning issues presented by the appeal application on backlands away from the regional road.
- Activity requires only two operatives and the construction of the prefabricated system on site is very labour intensive – business has a positive local economic impact.
- Operation has very specific needs with respect to the specification of buildings, the size and number of openings and the vehicle circulation area needed – applicant has searched extensively but unsuccessfully to obtain a unit to meet his needs.
- All dwellings apart from one are located at least 260m from the applicant's unit and physically separated by a natural ridge – development has limited material measurable impact on residential amenities.
- Board is requested to issue a permanent decision and to remove the condition that the permission is only for three years.

Second party

- 6.2 The Planning Authority stated in response to the appeal response that it has no further comment to make.

Third party

- 6.3 The appellant submitted the following comments in response to the applicant's submission:
- Planning history shows how this site has become an industrial development by using an original planning permission that was never built.
 - There was an unauthorised development at a site to the north-east (Reg. Ref: 06/70252 & UD 12/13).
 - The site has not been monitored and examined by the Planning Authority in relation to their own planning conditions in each consent.
 - Original garden centre permitted nearby was never built but the developer was able to use the precedent of planning to change the use and enable the continuing expansion of industrial buildings on site.

7.0 PLANNING HISTORY

Donegal County Council Reg. Ref: 14/51263

- 7.1 Robert Irwin was refused permission on 14th December 2015 for the retention of an existing light industrial ducting fabrication unit with office, w.c., underground rain water harvesting tank and associated site development works. Permission was also refused for the installation of an on-site package treatment plant and associated polishing filter system.
- 7.2 It was stated under the first reason for refusal that the proposed development does not come within the scope of Development Plan Policy ED-P-10 to ED-P-15 and to permit the development would be directly contrary to Policy ED-P-4, which seeks to locate light industrial uses within settlements on lands zoned for such use.
- 7.3 It was considered under the second reason that a proposal to introduce an industrial business use to a rural area at this location, in proximity to a private dwelling and permitted nursing home, would be an incompatible land use that would be out of character with the rural location.

Donegal County Council Reg. Ref: 14/50754

- 7.4 Retention permission was granted in August 2014 for an existing commercial furniture storage unit and associated site development works, located towards the north eastern boundary of the adjoining site to the north-east.

Donegal County Council Reg. Ref: 07/71006

- 7.5 Permission was granted in November 2007 within a site to the east of the access onto the R239 for a 46 bed space nursing home, connection to new sewage treatment system, car parking, landscaping, boundary treatments, signage and all associated site development works.
- 7.6 An extension of duration of this permission was granted in 30th January 2013, with an expiry date of 6th December 2017, (Reg. Ref: 12/50831).

Donegal County Council Reg. Ref: 05/4072

- 7.7 Permission refused for the erection of a furniture showroom incorporating retail and storage facilities with car parking and effluent treatment plant and all ancillary facilities, and connection to existing access road granted under previous Reg. Ref: 00/4253 & 04/4735.

Donegal County Council Reg. Ref: 04/4735

- 7.8 Permission was granted at a site to the north-east of the appeal site for the erection of a garden centre incorporating retail and storage areas, staff canteen, sanitary facilities, external tree and shrub nursery area, 4 no. growing tunnels and all ancillary facilities, with car parking facilities and effluent treatment plant.
- 7.9 Permission was also granted at an adjoining location for the erection of an agricultural store, incorporating storage of timber materials and manufacturing of timber decking, small timber sheds and timber products for use in conjunction with garden centre, with w.c., canteen facilities and car-parking and connection to existing effluent treatment plant as previous granted under Reg. Ref: 04/4735.
- 7.10 Permission was then granted at this site for a change of use of a portion of the internal garden centre storage/display area to manufacturing area for pipe joints with pipe bending facility (Reg. Ref: 06/71969).

Donegal County Council Reg. Ref: 04/5112

- 7.11 Permission was granted in December 2004 for a dwelling house, shed and septic tank at a site to the north of the appeal site adjoining the access laneway.

Donegal County Council Reg. Ref: 00/4253

- 7.12 Permission was granted within the adjoining site to the north-east for the erection of a shed for storage of furniture, with sanitary facilities and septic tank.

Donegal County Council Reg. Ref: 99/4866

- 7.13 Permission was refused for the erection of an industrial storage shed, incorporating potato storage and sanitary facilities with septic tank.

8.0 DEVELOPMENT PLAN

Donegal County Development Plan, 2012-2018

- 8.1 The site is located outside of any Settlement Framework in an “Area Under Strong Urban Influence”.
- 8.2 There are a number of economic development policies that could apply to the proposed development. Policies ED-P-3 to ED-P-15 are locational policies for economic development and Policy ED-P-16 sets out a number of criteria to be met for any proposal for economic development use.
- 8.3 Under Policy ED-P-4, it is stated that “...development involving light industrial buildings or processes will not be permitted outside of settlements in the open countryside unless related directly to a site specific product resource or a project under the terms of any of the policies ED-P-10 to ED-P 15.”
- 8.4 Policy ED-P-11 states as follows:

“It is a policy of the Council to permit a firm proposal for a small rural industrial or business enterprise or a community led enterprise scheme where it is demonstrated that there is no suitable site within any settlement in the locality and the proposal would benefit the local economy or would contribute to community regeneration. An application under this policy must be accompanied by evidence to support the case of economic benefit to the local economy and detailed information on the search conducted to secure a suitable site within the boundary of the local settlement(s). Any retail element to a proposed development under this policy must be clearly ancillary to the primary industrial/business use.”

9.0 ASSESSMENT

- 9.1 Planning permission is sought for the retention of a light industrial unit used for the manufacturing of ducting for ventilation and heating systems. There are two operatives on site and the substantial employment element of the business is associated with the assembly of ducting at customer locations.
- 9.2 The appeal site is located in a rural area under strong urban influence and this is reflected in the development pattern in the surrounding area. Extensive ribbon development occurs along the regional road that provides access to the site, and the site itself is set within a type of ad hoc industrial park setting. In addition to the unauthorised unit on site, there are approximately 4 no. units of similar scale immediately to the north-east accommodating furniture storage, mushroom growing, garden timber manufacturing and manufacturing of pipe joints and pipe bending. There is also a live permission adjoining the access off the regional road for a nursing home.

- 9.3 Planning permission was previously refused on site for the retention of the subject development under Reg. Ref: 14/51263 in December 2015 on the grounds that it would be directly contrary to Development Plan Policy ED-P-4, and having regard to the proximity of the development to a private dwelling and permitted nursing home.
- 9.4 Donegal County Council is now satisfied that the applicant has overcome the previous reasons for refusal and has issued notification of decision to grant retention permission for the light industrial unit, and permission for a wastewater treatment system. A third party appeal against the Council's decision has been submitted by an adjoining landowner.
- 9.5 Having considered the contents of the planning application, the grounds of appeal, planning history and the site context, I consider that this appeal should be assessed under the following:
- Development principle;
 - Impact on adjoining uses;
 - Wastewater treatment and disposal; and
 - Appropriate assessment.

Development principle

- 9.6 The appeal site is located within an "Area Under Strong Urban Influence" outside any defined settlement. The role of the Council's Economic Development Strategy is to align new economic and employment development with the role and function of settlements as identified in the Core Strategy/Settlement Hierarchy. The appeal site is located on the edge of the Tier 1 Letterkenny - Derry City Linked Gateway Area; approximately 3.5km from Bridge End, which is a Tier 2 Strategic Support Town; and 4.8km from Muff, which is a Tier 3 Strong Town/ Village. The aim of the Economic Development Strategy is to promote the integration of appropriate employment uses with other land uses in an effort to provide balanced sustainable development and to reduce the need to travel.
- 9.7 Notwithstanding this, the Development Plan contains a number of economic development locational policies that allow for industrial buildings or processes to be located in the open countryside where they are directly located to a site specific product resource, or where it can be demonstrated that there are no other available locations within settlement boundaries.
- 9.8 In my opinion, the operation at the appeal site could fall under the description of a light industrial use as a process that is carried on, or the plant or machinery installed, are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

- 9.9 In this regard, ED-P-4 states that *“it is a policy of the Council that economic development proposals involving a light industrial use will be permitted within settlements on land zoned for such use in a local plan or specified in a settlement framework in this Plan or on land comprising an existing industrial/employment area, provided the proposal is of a scale, nature and form appropriate to the location and complies with policy ED-P-2. Elsewhere within the defined settlements, proposals for light industrial use will be determined on their individual merits having regard to the scale and character of the settlement, the availability of necessary infrastructure and compliance with policy ED-P-2. Development involving light industrial buildings or processes will not be permitted outside of settlements in the open countryside unless related directly to a site specific product resource or a project under the terms of any of the policies ED-P-10 to ED-P 15.”*
- 9.10 The light industrial process being carried out on site is not directly related to a site specific product resource. It is therefore left to decide if there is scope for allowing the development under Policy ED-P-11, which states that *“it is a policy of the Council to permit a firm proposal for a small rural industrial or business enterprise or a community led enterprise scheme where it is demonstrated that there is no suitable site within any settlement in the locality and the proposal would benefit the local economy or would contribute to community regeneration. An application under this policy must be accompanied by evidence to support the case of economic benefit to the local economy and detailed information on the search conducted to secure a suitable site within the boundary of the local settlement(s). Any retail element to a proposed development under this policy must be clearly ancillary to the primary industrial/business use.”*
- 9.11 The proposed development might be considered a small rural business enterprise. The applicant submitted information on his specific building requirements for the business, together with search information conducted to secure a suitable site within the boundary of settlements in the vicinity. This assessment was carried out in October 2015. The applicant identified 7 no. potential units and these have been ruled out for various reasons relating to floor area, type of internal space, absence of ‘in-out’ industrial access and unsuitability for assembly line operation.
- 9.12 Clearly, it would be difficult to procure a bespoke unit for this type of operation. Some degree of adaptation would be required and this would be expected of any type of business seeking premises that might have been constructed for a different purpose. I would be of the opinion that it would better serve the interests of the proper planning and sustainable development of the area if every attempt was made to utilise an existing business unit on appropriately zoned land or within a settlement boundary. In the event that this was not feasible, the possibility of constructing a unit on land within a business park setting should be investigated. The appellant submits that there are numerous sites on designated industrial land on both sides of the border.
- 9.13 Having regard to the above, I would not be convinced that there is no suitable site for this development within the boundary of a local settlement and in

particular on lands zoned for light industrial use. Unit availability changes over time and the sourcing of a suitable unit may not be possible within the timeframe involved in preparing a planning application. At the same time, I consider that it would be unreasonable to refuse permission when the development is providing economic benefit to the local economy. I agree with Donegal County Council that the most appropriate course of action in this case is to grant permission for a period of three years to allow the applicant sufficient time to source accommodation that fully complies with the Council's economic development policies.

Impact on adjoining uses

- 9.14 It was considered by the Council under its reasons for refusing permission for retention of the subject building under Reg. Ref: 14/51263 that the introduction of an industrial business use to a rural area in proximity to private residential property, as well as a permitted nursing home, would be injurious to the value and privacy of adjoining properties.
- 9.15 It is a policy of the Council (ED-P-16) that any proposal for economic development use, in addition to other policy provisions of this Plan, will be required to meet all the following criteria;
- (a) it is compatible with surrounding land uses existing or approved;*
 - (b) it does not harm the amenities of nearby residents;*
 - (c) there is existing or programmed capacity in the water infrastructure (supply and/or effluent disposal) or suitable developer-led improvements can be identified and delivered;*
 - (d) the existing road network can safely handle any extra vehicular traffic generated by the proposed development or suitable developer-led improvements are identified and delivered to overcome any road problems;*
 - (e) adequate access arrangements, parking, manoeuvring and servicing areas are provided in line with standards set out in Appendix B or as otherwise agreed in writing with the planning authority;*
 - (f) it does not create a noise nuisance;*
 - (g) it is capable of dealing satisfactorily with any emission(s);*
 - (h) it does not adversely affect important features of the built heritage or natural heritage including Natura 2000 sites;*
 - (i) it is not located in an area at flood risk and/or will not cause or exacerbate flooding;*

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

(l) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape;

(m) it does not compromise water quality nor the programme of measures contained within the North Western River Basin (NWIRBD) Management Plan 2009-2015.

- 9.16 The appeal site is situated within a poorly planned area in the countryside comprising of widespread sporadic development remote from any settlement. The site forms one of a number of industrial type shed structures accessed by an estate road, and this road also serves a dwelling house and a permitted nursing home. There are no public sewage facilities.
- 9.17 In terms of the compatibility of the development with surrounding land uses, it could be contended, on the one hand, that there are similar structures and uses within the immediate vicinity. However, on the other hand, there are also incompatible residential uses and it could be considered that much of the existing development in this location is inappropriately located and heavily reliant on car use.
- 9.18 Furthermore, there may be issues associated with the introduction of a permanent light industrial use at this location. Whilst it appears that the current use within the unauthorised building is low intensity, the granting of permission for light industrial use creates the potential for increased adverse impacts, e.g. traffic, noise, nuisance, lighting, etc. created by another business, should the unit be vacated.
- 9.19 I would have some concern that the granting of permission for a three year period authorises an inappropriately located structure for storage use thereafter. However, having regard to the precedent set by adjoining industrial style structures, and to the location of the subject shed within a less obtrusive part of the site, I consider that the development is acceptable for longer term storage use in this case.
- 9.20 Notwithstanding, the Board may wish to consider granting a temporary permission for three years only, without any requirement that the building is used for storage purposes after expiry of the three year period. The building would then be removed and the site would be reinstated.

Wastewater treatment and disposal

- 9.21 It is stated within the Site Suitability Assessment Report that the site/ building has an existing temporary connection to a septic tank, which is located inside

the site perimeter. This system has been in place for c. 13 years and the applicant wishes to upgrade to an on-site system using raised polishing filter.

- 9.22 Having regard to the temporary nature of the planning permission, I consider that the current arrangements for wastewater treatment and disposal can continue for the three year duration of the permission. In my opinion, there is no need for permanent wastewater treatment facilities to serve a building that will be in use for storage purposes. The existing unauthorised septic tank connection should therefore be decommissioned upon expiry of the planning permission.
- 9.23 It is also noteworthy that there is a high density of development in the area connected to septic tanks and there may be issues of potential impact on groundwater due to cumulative loading.

Appropriate Assessment

- 9.24 Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

RECOMMENDATION

I have read the submissions on file, visited the site and paid due regard to the provisions of the current Donegal Development Plan. I recommend a split decision in this case (a) granting permission for the retention of the light industrial unit; and (b) refusing permission for the on-site package treatment plant and associated polishing filter based on the reasons and considerations hereunder and subject to the conditions set out below.

REASONS AND CONSIDERATIONS (a)

Having regard to the established nature of the business on site and to the surrounding pattern of development which includes authorised structures of similar design and scale, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area 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 retained 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 interest of clarity.

2. Planning permission is herein granted for the retention of the building in light industrial use for a temporary period of three years from the date of this order, after which the light industrial use shall cease and the building shall be used for storage use only.

Reason: In the interests of residential amenity.

3. The existing septic tank connection serving the building shall be fully decommissioned within three months of expiry of the temporary permission. Proposal for removal of the septic tank shall be submitted to the Planning Authority for written agreement within three months of the date of this order.

Reason: In the interests of public health.

4. Visibility splays from the site access onto the public road shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic safety.

5. Noise levels as measured externally at the nearest residence of the site boundaries shall not exceed 40 dBA above ambient during hours of operation. Where noise levels exceed those specified, the applicant shall submit detailed proposal to the Planning Authority for written agreement to ameliorate excessive noise levels.

Reason: In the interests of residential amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall otherwise comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity

8. 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.

REASONS AND CONSIDERATIONS (b)

The Board considers that, notwithstanding the use of a proprietary wastewater treatment system and polishing filter, the proposed development, taken in conjunction with existing development in the vicinity, would result in an excessive concentration of development served by individual wastewater treatment systems and would constitute an unacceptable risk of groundwater pollution connected with the disposal of waste water. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Inspector
24th June 2016