



An
Bord
Pleanála

Inspector's Report PL91.247327.

Development	Dwelling house, garage and wastewater treatment system.
Location	Ringmoylan, Pallaskenry, Co Limerick.
Planning Authority	Limerick City and County Council.
Planning Authority Reg. Ref.	16/653.
Applicant(s)	Ciaran Ryan.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party versus decision.
Appellant	Angela Ronan.
Observer(s)	None.
Date of Site Inspection	1 December 2016.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is situated in the small townland of Ringmoylan located north of Pallaskenry Village and adjacent to the south channel of the River Shannon. The area is characterised by numerous one off houses, concentrated over a length of 800 metres along this stretch of the road. The road is a cul-de-sac and terminates at Ringmoylan Quay.
- 1.2. The appeal site is located between two existing houses. The site is level and set down from the road behind a low rubble stone wall. A small Yew tree is located at the front of the site and there a number of semi-mature oak trees planted throughout. The site is overgrown with, grass, brambles and bracken. The boundary to the south comprises a tall mature evergreen hedge with some gaps. The boundary to the north comprises a low timber post and rail fence with a wire fence to the west.
- 1.3. The dormer bungalow to the south is set marginally higher than the existing ground level of the appeal site. The bungalow to the north is slightly lower than the appeal site.

2.0 Proposed Development

- 2.1. It is proposed to construct a dormer bungalow of 206 sq.m, with a gable roof profile and an overall height of 7 metres. The building finishes comprise smooth plaster with a natural stone two storey element to the front elevation and blue/black fibre cement roof tiles. A 47 sq.m domestic garage to the rear of the site is also proposed.
- 2.2. A wastewater treatment system and raised polishing filter will be located to the front of the dwelling. The application is accompanied by a Site Characterisation Form for wastewater treatment.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission, subject to 15 conditions, relevant conditions are summarised as follows:

- Condition 3. The dwelling shall be first occupied by the applicant for a period of at least seven years.
- Condition 8. Technical requirements and obligations with regard to the proposed wastewater treatment system.
- Condition 10. Details which concern the building finishes, in terms of materials used, specifically natural stone.
- Condition 12. The garage shall be for domestic storage purposes only.
- Condition 13. The garage shall be set off from the boundary by two metres.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report can summarised as follows:

- The site is located in an Area of Strong Urban Influence*, however, the applicant has demonstrated a genuine housing need.
- The site is an infill site, being located between two existing houses.
- The Site Characterisation Report shows that the site is suitable for a wastewater treatment system and polishing filter
- An AA Screening assessment was carried out, no significant impact to the conservation status of any SAC or SPA was concluded.

* I note that the site is located in an Area of Strong Agricultural Base as defined by the County Development Plan.

3.2.2. Other Technical Reports

Environment Section Report. The site is suitable for the treatment and disposal of effluent by means of a secondary treatment system and polishing filter, standard technical conditions recommended.

3.3. **Prescribed Bodies**

Irish Water Report. Standard conditions should be attached with regard to connection to public services.

3.4. **Third Party Observations**

A. Ronan, the owner of the dwelling to the north of the appeal site lodged an objection to the proposed development. The issues raised are broadly the same as those raised in the grounds of appeal.

4.0 **Planning History**

Planning authority register reference 99/2485, permission refused for a dormer bungalow, 2001.

Planning authority register reference 98/246, permission refused for a dormer bungalow, 1998.

Planning authority register reference 92/1202, Outline permission granted for dormer bungalow, 1992.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. **Limerick County Development Plan 2010-2016**

The appeal site is located in an Agriculturally zoned area and as such dwellings are not permitted except where compliance can be demonstrated in accordance with rural housing policies. The site is also located in an area of strong agricultural base (map 3.2).

Policy RS P1

It is a policy of the Council to Provide for the development of sustainable rural housing in the County in accordance with the 'Sustainable Rural Housing' guidelines issued by the Department of the Environment, Heritage and Local Government.

Policy RS P2

It is a Policy of the Council to ensure that the provision of rural housing will not detract from the County's natural and built heritage, economic assets and environment and the planning authority will have regard to the relevant development plan objectives.

Policy RS P3

It is a policy of the Council to apply a presumption in favour of granting planning permissions to applicants for rural generated housing where the qualifying criteria set down in objectives RS O1 to RS O8 are met and where standards in relation to siting, design, drainage and traffic safety set down in the Plan are achieved.

Objective RS O2: Single Houses in Area of Strong agricultural base.

It is an objective to recognise the individual housing needs of people intrinsic to the rural area located within the rural areas defined as the 'areas of strong agricultural base'. Such needs may be accommodated on lands outside of the 'Rural Area Under Strong Urban Influence' subject to the availability of a suitable site and normal proper planning and sustainable development criteria.

It is an objective of the Council to permit single houses in the area of strong agricultural base to facilitate those with a genuine rural housing need in the area. In order to demonstrate a genuine rural housing need, any of the following criteria should be met:

- (a) the application is being made by a long term landowner or his/her son or daughter seeking to build their first home on the family lands; or
- (b) the applicant is engaged in working the family farm and the house is for that persons own use; or
- (c) the applicant is working in essential rural activities and for this reason needs to be accommodated near their place of work; or
- (d) the application is being made by a local rural person(s) who for family and/or work reasons wish to live in the local rural area in which they have spent a

substantial period of their lives (minimum 10 years) and are seeking to build their first home in the local rural area.

The County Development Plan defines 'Local Rural Person' as follows:

- a) A 'Local Rural Person' is a person who is living or has lived in the local rural area for a minimum of 10 years prior to making the planning application. This includes returning emigrants seeking a permanent home in their local rural area.
- b) The 'Local Rural Area' for the purpose of this policy is defined as the area generally, but not exclusively, within a 10km radius of the applicant's family home. Where the applicant is located less than 10km from the County boundary the land mass available will be 314km². Where the proposed site is of a greater distance but the applicant can demonstrate strong ties with the area of the proposed site, e.g. strong family, landownership, or employment links or being within the same parish as the applicant is from, then these cases and other exceptional circumstances will each be considered on their individual merits.
- d) An applicant who satisfies a 'Local Rural Housing Need' is defined as a person who does not or has never owned a house in the 'local rural area' and has the need for a permanent dwelling for their own use in the rural area.

The Council recognizes the needs of local rural people who wish to live or work in the area in which they grew up. The following 3 criteria arise in assessing applicants under this category:

1. The applicant must come within the definition of a 'Local Rural Person'
and
2. The proposed site must be situated within their 'Local Rural Area'
and
3. The applicant must have a 'Local Rural Housing Need'

Section 4.7: Rural House Design:

Objective HOU O15: Promote the Principles of Appropriate Rural Design:

It is the objective of the Planning Authority to assess planning applications for rural dwellings in accordance with the standards, layout and design outlined in the development management guidelines of this Plan.

The appeal site is located in the Shannon Integrated Coastal Management Zone of the County Development Plan Landscape Character Areas, Map 7.4.

Objective EH O12: Shannon Coastal Zone Landscape Character Area

Section 10.5.4 Residential Development – Rural Areas

Table 10.2 Design Guidelines for Residential Developments in rural areas.

Section 10.5.5 Infill Residential Development in Urban Areas, Towns & Villages.

Rural Design Advice for Individual Houses in the Countryside Limerick County Council 2012

The appeal site is located within the study area boundary of the Shannon Integrated Framework Plan for the Shannon Estuary 2013 – 2020.

5.3. Natural Heritage Designations

The Lower River Shannon SAC (site code 002165) is located 300 metres to the north west of the appeal site. The River Shannon and River Fergus Estuaries SPA (site code 004077) is located 400 metres to the north of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

A Ronan, a resident of a dwelling located to the north of the appeal site has submitted an appeal. The grounds of appeal can be summarised as follows:

- Concerns that their private well will become contaminated by the provision of a wastewater treatment system on the appeal site.
- The position of six soakaways are shown on layout plans and some are in close proximity to their well.
- The site layout plan is incorrect, there is no percolation area associated with the septic tank and it is located on the northern boundary of the rear garden.
- The proposed garage is located too close to the well, chemicals stored in the garage may contaminate the well water.
- The privacy of the south elevation of the dwelling, which has a bathroom and sitting room window will be overlooked by the proposed windows on the north elevation.
- Air pollution from the chimney located to the north of the dwelling, will result from the proposed development.

6.2. Applicant Response

The applicant's response can be summarised as follows:

- The Site Characterisation Form was carried out by a competent person in accordance with EPA guidelines. The appellant's well is located more than 35 metres up-gradient from the polishing filter.
- The symbols shown on layout plans denote 'to soak away' and refer to gullies leading to three soakaways. The soakaways are designed to manage rainwater not treated wastewater.
- The applicant is concerned that the appellant's septic tank system has not been installed in accordance with standards at the time (NSAI SR6 1991).

- The excavation works associated with the proposed development will be limited to foundations and comply with relevant building regulations.
- The proposed garage will be used to store domestic articles and will comply with the Council's conditions with regard to domestic garages.
- The windows located on the northern elevation are ground floor windows located 10 metres from the appellant's property, there will be no undue overlooking any more than other houses in the area.
- The proposed chimney is located higher than the ridge line of the neighbouring dwelling and will be used for a domestic stove.
- No trees will be required to be removed from the appellant's property.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. The Board is advised that contrary to the planning authority's assessment, I question whether or not the applicant has adequately demonstrated compliance with County Development Plan policy for rural housing. For this reason, the issue of Compliance with Rural Settlement Policy is assessed. The issues can be dealt with under the following headings:

- Rural Settlement Policy.
- Wastewater Treatment.
- Domestic Well.
- Residential Amenity.
- Appropriate Assessment.

7.2. Rural Settlement Policy.

- 7.2.1. According to the current Limerick County Development Plan the site is within an area identified as having a Strong Agricultural Base which is restructuring to cope with changes in the agricultural sector and is served by an extensive network of smaller rural towns, village and other settlements. In recognition of these characteristics and to consolidate and sustain the stability of the rural population, it is a plan requirement that applicants have a genuine rural generated housing need based on their social and/or economic links to the area.
- 7.2.2. The applicant is not the owner of the appeal site. Consent to make the planning application has been given by Maurice Brosnahan. There is no stated family relationship. The applicant has stated that they have resided with their parents at Shannogrove for the last 26 years, and as such comes within the 10km radius set to generally determine 'Local Rural Area' as set out in Section 3.9.2 of the Development Plan. The applicant works as a carpenter with Joe Ryan Construction, at a site in Limerick City. The application is accompanied by letters confirming attendance at the local national and secondary school.
- 7.2.3. The applicant states that the site is an infill site. This is the case, insofar as the site sits between two dwellings in a wider area characterised by a concentration of individual rural houses. There is no development plan policy with regard to rural infill housing. However, I note section 10.5.5 of the current County Development Plan which only sets out advice with regards to Infill Residential Development in Urban Areas, Towns & Villages. It is not relevant in this instance.
- 7.2.4. I would accept the view that the applicant is from the 'Local Rural Area' and is a 'Local Rural Person'. However no substantive or convincing documentary evidence has been provided to suggest that the proposal would satisfy 'Local Rural Housing Need'. There is no evidence to answer the question which arises, i.e. that of home ownership by the applicant in the area. Given the concentration of one off housing in the immediate vicinity it is evident that the area is under pressure from one off housing. On balance though, it is likely that the applicant has done enough to demonstrate a local need to reside at this location. The applicant has stated that he lives with his parents, though clarity as to whether this will be the first home he has built for himself in the area is omitted. Given the nature of the site characteristics, its

infill configuration and the applicant's circumstances it is likely that the applicant complies with Development Plan rural settlement policy. Should the Board consider it necessary to explore this issue in more detail or refuse permission based upon non-compliance with the rural settlement strategy it may require further information.

7.3. Wastewater Treatment.

- 7.3.1. The appellant resides in the bungalow which is located to the north of the appeal site. Their principal concern is that of the safety of the water obtained from their on-site well as a result of the proposed wastewater treatment system, soakaways, construction activity and chemicals that may be stored in the proposed garage. The layout drawing shows an inaccurate location for their septic tank and there is no percolation area as the septic tank is routinely emptied of its contents. The appellant notes the requirements of Environmental Protection Agency guidelines, but worries about system failure and contamination of groundwater.
- 7.3.2. Having inspected the site, I note that the appellant's septic tank is located slightly north of the assumed location of the percolation area shown on drawing number 0504-4. The location of the appellant's well is accurately located. A public water scheme supplies water to houses in the vicinity and runs along the public road in front of the site. The site assessment for wastewater treatment was carried out by John Slattery, a certified site suitability assessor and surveyor. For the purposes of the Site Characterisation Form, I am satisfied that the applicant has adequately shown adjacent development.
- 7.3.3. The report concludes that a septic tank and polishing filter system is acceptable on the site. The average T_{100} value was 48.33 which required the implementation of the standard method to derive a T value, in this case 27.36 (min/25mm). Given the nature of the site and shallow soil conditions a 'P' test was required, the result of which was a P value of 36.39. The Council's Environment Section found the site assessment for wastewater treatment to be acceptable. Having reviewed the material submitted by the applicant with regard to domestic wastewater, I recommend that installation of the system should accord with Code of Practice: Wastewater Treatment Systems for Single Houses 2010, prepared by the Environmental Protection Agency.

7.3.4. The appellant is concerned that the integrity of their domestic well may be impacted upon by the applicant's proposal. If the wastewater treatment system is installed in accordance with the relevant guidelines I can see no reason why permission should not be granted. The issue to do with surface water management is relevant and I note the applicant's site assessor recognised that surface soakaways should not interfere with the proposed polishing filter.

7.4. **Domestic Well.**

7.4.1. The proposed domestic garage is located to the north western quadrant of the site, close to location of the appellant's well. There is a public water scheme in the vicinity and most houses are connected to this scheme. The appellant is concerned that the proximity of the garage and the articles that might be stored within could impact the integrity of their well and result in contamination. Specifically, the appellant is concerned about the storage of chemicals, fertilisers and pesticides.

7.4.2. There are no set guidelines which comment on the location of buildings and a domestic well. The Environmental Protection Agency provides guidance in relation to the location of a polluting activity and the distances that should be maintained from such activities. In this instance I am satisfied that the proposed wastewater treatment system can be accommodated on the appeal site, so there are no issues with this element of the proposal. The location of the proposed garage raises concerns for the appellant with respect to the storage of potential pollutants to the well. Given the domestic nature of the proposed garage, I do not anticipate that chemicals, pesticides and fertiliser will be stored to such quantities that could not be considered to be for domestic use purposes. In this regard, I note that the Council attached a condition which restricted its use to domestic purposes and a condition to relocate the garage at least 2 metres from the boundary.

7.4.3. In my opinion it is the perception of a potential impact from the location of the proposed garage that presents the issue. In this respect, the garage has been located very close to the boundary of the site. The provision of an acceptable boundary treatment is extremely limited. Therefore, I would suggest that the proposed position of the proposed garage should be set off from the boundary and at least 5 metres from the location of the well. In addition, a revised landscape plan should detail an appropriate boundary treatment, to include native plant species.

7.5. Residential Amenity.

- 7.5.1. The appellant is concerned that the provision of ground floor sitting room windows on the northern elevation of the proposed dwelling will overlook their property, specifically a bathroom and sitting room window. The provision of a chimney to the northern end of the proposed dwelling will result in smoke pollution and create a nuisance and risk to health.
- 7.5.2. The appeal site is located between two existing dwellings, to the north a single storey bungalow and to the south a dormer bungalow. The boundary between the appeal site and the site to the south comprises a mature evergreen hedgerow, there are no issues of overlooking. The appellant's dwelling is single storey with a bathroom and sitting room window at ground floor level on the southern side elevation. Contiguous drawings which accompany the application show that both the appellant's dwelling and the proposed dwelling are set at the same height. The boundary treatment between the appeal site and the appellant's site comprises a timber post and rail fence, there is an open aspect between properties. There are a number of other dwellings on similarly sized and configured sites in the vicinity, boundary treatments tend to be comprised of mature hedges and thus restrict overlooking.
- 7.5.3. There is a general planning convention which states that there should be a separation distance between opposing first floor windows of at least 22 metres. This is to safeguard privacy and minimise the impact of overlooking. The Development Management Guidelines section of the County Development Plan, states a separation distance of 22 metres back to back between dwellings. This is primarily with regards to urban and suburban housing schemes, rather than rural dwellings. There is no similar quantitative advice with regards to rural dwellings other than a broad objective which concerns house design and landscaping. Incidentally, there is a requirement to provide appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.
- 7.5.4. It is commonly understood that overlooking between properties does not usually occur at ground floor level. This is because in most cases a two metre solid boundary from the front building line back, either a wall or fence, is erected to screen views. Exempted development within the curtilage of an existing dwelling house as

outlined by the Planning and Development Regulations 2001 (as amended), states that any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. There is no other standard in relation to separation distances which concern ground floor windows and new development.

- 7.5.5. In this instance, where the separation distance between ground floor living room windows is 10 metres, I cannot see how an adverse degree of overlooking would occur. I do note, however, that the applicant has not detailed the type and form of boundary treatment between properties and the planning authority have not been prescriptive in their notification to grant permission. Therefore, in order to preserve residential amenity, I suggest that an appropriate boundary treatment is proposed between properties and this will eliminate any issues of overlooking and loss of privacy.
- 7.5.6. Other issues that can impact upon the residential amenity of the appellant's property, are overbearing appearance and overshadowing. The proposed dwelling is set out along the same front and rear building line as the appellant's dwelling. There is a marginal difference of height between dwellings, the application dwelling is approximately 1 metre higher. There is a separation distance between dwellings of 10 metres. Given the design and scale of the proposed dwelling I do not anticipate any impact from overbearing appearance or overshadowing.
- 7.5.7. With reference to the location of the proposed chimney and its influence on residential amenity. I note that the appellant's own chimney is located at the southern end of their property on the rear roof slope. There is no guidance nationally or locally with reference to chimney design and location on dwellings from a planning perspective. Issues in connection with chimney design and requirements are governed by technical guidance documents produced by the Department of Housing, Planning, Community and Local Government and commonly known as Building Regulations. Matters which concern the operation of domestic chimneys and the emissions therefrom are governed by the County Council and Environmental Health Office. Burning waste in a domestic fireplace or stove, is an offence under waste management legislation and the Air Pollution Act 1987. From a design perspective, I see no issues with regard to the location of the proposed chimney.

7.6. Appropriate Assessment.

- 7.6.1. In screening the subject proposal for the purposes of appropriate assessment, I would refer the Board in the first instance to the screening exercise undertaken by the Planning Authority as set out in the Planner's Report which concludes that the proposed development will not significantly impact on either the Lower River Shannon Special Area of Conservation or the River Shannon and River Fergus Estuaries Special Protection Area.
- 7.6.2. The Lower River Shannon SAC is located 300 metres to the north west of the appeal site. The qualifying interests associated with the SAC in the general area of the appeal site are mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows, Otter and Bottlenose Dolphin habitats. The River Shannon and River Fergus Estuaries SPA is located 400 metres to the north of the appeal site. The qualifying interests for the SPA are a variety of coastal and estuarine birds including Cormorant, Light Bellied Brent Goose and Lapwing. The broad conservation objectives for both SAC and SPA are to maintain the favourable conservation condition of these interests.
- 7.6.3. Having considered the available information, in my opinion, given the scale of the development proposed, the nature of the receiving environment, the site location outside of the identified European sites, the downstream separation distances involved, and subject to the proposed wastewater treatment system which includes a polishing filter complying with the requirements of the EPA Code of Practice, the proposed development would not be likely to have a significant effect on either SAC or SPA sites and would not undermine or conflict with the Conservation Objectives applicable for each site. No appropriate assessment issues arise and I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans or project on a European site.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend that permission be granted, subject to conditions for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Limerick County Development Plan 2010-2016, to the nature and scale of the proposed dwelling house and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The proposed development shall be amended as follows:

(a) The proposed domestic garage shall be located at least 5 metres from the location of the neighbouring domestic well to the north.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

4. The garage shall be used for domestic storage purposes and purposes incidental to the enjoyment of the main dwelling and shall not be used for commercial or habitable purposes.

Reason: In the interests of residential amenity.

5. 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.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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.

6. The proposed front boundary wall shall consist of natural local stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

8. The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

9. 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.

10. (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 or adjoining properties.

(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.

11. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 19 day of July, 2016, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. 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.

12. 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.

Stephen Rhys Thomas
Planning Inspector

5 January 2017