



An
Bord
Pleanála

Inspector's Report PL04.248612

Development	Construction of dwelling with site entrance, portable well, bio-filtration unit and all associated site works.
Location	Clonleigh, Kinsale, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/6362
Applicant(s)	Willem Fabritius
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Willem Fabritius
Observer(s)	None
Date of Site Inspection	25 th September 2017
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.3809 ha is located to the south of Kinsale and is circa 1km east of Charles Fort and Summercove. Kinsale is not visible from the site. The site comprises an agricultural field that fronts onto a narrow public road with a stone and sod wall roadside boundary. There is an existing agricultural entrance serving the field in the north east corner. The area is characterised by high density rural of housing and agricultural uses.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I would also refer the Board to the photos available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. The application submitted to cork County council on 23rd September 2016 was for the construction of a single storey 3-bed dwelling (168.1 sqm), site entrance, potable well, bio-filtration unit and all associated site works. The proposed development was accompanied by the following:
 - 1) Design Statement
 - 2) Site Assessment Report and Site Characterisation Report prepared by Bares, Murray, de Bhail consulting Engineers.
 - 3) Supporting Letter prepared by the applicant setting out their links to the area.
 - 4) Individual Houses in Rural Areas supplementary application form (SF1) stating inter alia that the application is not related to the sites landowner. In response to the question regarding the applicant's rural occupation / local connection they state that they are *full time home based business in a rural area*.
- 2.2. In response to a request for **further information** the applicant submitted the following on 12th December 2016:
 - Sight Line Drawings
 - Engineers Drawings

- Cover letter stating that in order to maintain verge drainage a culvert will be installed across the full width of the site entrance and that in order to prevent storm water flow flowing into the public road a linear ACodrain will be installed across the full width of the site entrance.

2.3. In response to a request for clarification the applicant submitted the following on 13th January 2017:

- Junction Assessment Report prepared by Atkins Engineering

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Cork County Council refused permission for the following reason:

- 1) *The proposed development would endanger public safety by reason of traffic hazard because the restricted road frontage would preclude the provision of satisfactory sight lines at the proposed entrance, and therefore conflicts with Policy Objective TM3-3d of the County Development Plan 2014, as proposed visibility sightlines of 52m x 2m in both directions is inadequate to ensure the safety of road users.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** in their first report of 11th November 2016 was satisfied that the applicant complied with housing eligibility criteria as set out in Policy Objective RC1 4-2d. Having regard to the report of the Area Engineer the Case Planner requested the following further information on the 11th November 2016:

- 1) *The site layout does not accurately show sight lines from the proposed access. There is a concern that sight lines are restricted in both directions by the existing roadside boundary ditch. Please submit a 1:500 scale drawing showing the sight distance at the proposed entrance in accordance with the requirements of the NRA's Design Method for Roads & Bridges (DMRB) TD 41-42 Volume 6 Section 2.*

- 2) *90m min sight distance is required in both directions from a point 2.4m back from the edge of the public road. No structures (e.g. entrance piers or walls), utility poles, ditches or vegetation shall be allowed within the sight triangles. For the purpose of clarity the drawing shall show the centre line & edges of the public road.*
- 3) *Details of how the verge drainage (i.e. at the edge of the road) will be permanently preserved across the site entrance. A drainage pipe sized by your engineer, but 300mm minimum diameter, shall be provided across the site entrance.*
- 4) *A revised layout showing provision of a drainage grating (150mm) at the entrance gate location discharging to soakaway to prevent water from flowing from the site onto the public road.*

3.2.3. The **Case Planner** in their second report of 13th January 2017 requested the following clarification on 16th January 2017. This request is in line with the recommendation of the Area Engineer.

- a) *It is unclear if the sightlines shown on the Site Plan are available. The local Engineer reports the existing sod and stone ditch is approximately 1.5m high – not 750mm high, and because it is on 3rd party lands the written consent to facilitate the proposed alterations, or lowering of walls from the registered owners to (a) carry out the works and (b) facilitate or maintain such boundary wall heights in perpetuity is required.*
- b) *Submit a vertical 90m x 2.4m sightline plan (1:500) showing existing road level, and existing and proposed roadside boundary heights.*

3.2.4. The **Case Planner** in their third report of 4th May 2017 and having considered the clarification of information noted that the applicant was unable to reach an agreement with the parties involved, to make alterations to a roadside gateway and boundary beyond their control and that the entrance or sightlines available to the applicant have not changed since the initial Further Information was lodged. In the opinion, of the Case Planner it is stated that the applicant *presents a reasonable argument, and justification for a 52m sightline*. The Case Planner further states that *if the decision maker wanted to accept 52m sightlines there are reasonable grounds for doing so – but it would be a big step to take*. Accordingly, the Case Planner recommended that permission be refused on grounds of traffic safety.

- 3.2.5. In a further **Planners Report** (not the Case Planner) of 4th May 2017 a summary of the further information and clarification is provided together with the final report of the re-a engineer. This Planner recommends that permission be refused on traffic safety grounds.
- 3.2.6. The notification of decision to refuse permission issued by Cork County Council reflects the recommendation of the foregoing reports.
- 3.2.7. Other Technical Reports
- 3.2.8. The **Area Engineer** in their first report of 9th November 2016 requested further information in relation to the provision of an accurate and more detailed sightline plan and is concerned the bend in the roadside wall will prevent 90m sightlines being provided. The **Area Engineer** in their second report of 13th January 2017 and having considered the further information states that without third party consent to lower proposed existing ditches of adjoining lands, the proposed sightlines submitted cannot be guaranteed. The Area Engineer state that *third party letters of consent are required from the applicant for lowering of the boundary of adjoining lands to the east & west of the proposed site*. The **Area Engineer** in their third report of 2nd May 2017 and having considered the clarification stated *that the applicant has not submitted the required sightlines at the proposed entrance to the Cork County Council guidelines* and recommended that permission be refused.
- 3.2.9. The **Liaison Officers** report of 4th May 2017 has *no comment*.

3.3. **Prescribed Bodies**

- 3.3.1. There are no reports from any prescribed bodies recorded on the planning file.

3.4. **Third Party Observations**

- 3.4.1. There is one observation recorded on the planning file from Cunnane Stratton Reynolds, Land Planning & Design on behalf of James Matthews, Clonleigh, Kinsale. The issues raised may be summarised as follows:
- Creation of ribbon development
 - Inadequate sight lines

- Site fronts onto a designated scenic route. Development will interfere with views and prospects of this designated scenic route
- Site within an area identified as being a “Rural Area Under Strong Urban Influence”
- Planning history for the area demonstrates the area is under real and definite housing pressure
- Development should be refused

4.0 Planning History

- 4.1.1. There is no evidence of any previous planning appeal or planning application at this site.

5.0 Policy Context

5.1. National Guidelines

- 5.1.1. National guidance namely the **Sustainable Rural Housing - Guidelines for Planning Authorities (DEHLG, 2005)** shows the site in *an ‘area of strong urban influence’*. This is comparable with areas designated as *‘rural area under strong urban influence’* in the County Development Plan (CDP) 2014. The Guidelines states inter alia that where the *‘applicant comes within the development plan definition of need’*, people who have roots in or links to rural areas, and are part of and contribute to the rural community planning permission will be permitted subject to an occupancy condition, provided they meet the normal requirements in relation to matters such as road safety, proper disposal of waste water and satisfy the *“normal planning considerations relating to siting and design”*.

5.2. Development Plan

- 5.2.1. The operative plan for the area is the **Cork County Development Plan 2014**. The site is located within an area zoned as **Rural Area Under Strong Urban Influence**, the policy for which is set out as follows:

RCI 4-2: Rural Area Under Strong Urban Influence:

The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.*
- b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.*
- c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.*
- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.*
- e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.*

5.2.2. Chapter 10 Transport, Section 10.3.11 states that it is of critical importance to road safety that any new vehicular access is designed with adequate provision for visibility, so that drivers emerging from the access will have adequate visibility of oncoming vehicles, cyclists and pedestrians. **Objective TM 3-3(d): Road Safety and Traffic Management** states that it is an objective to *ensure that all new*

vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.

5.2.3. Chapter 13 Green Infrastructure and Environment, Section 13.7 states that whilst advocating the protection of such scenic resources the plan also recognises the fact that all landscapes are living and changing, and therefore in principle it is not proposed that this should give rise to the prohibition of development along these routes, but development, where permitted, should not hinder or obstruct these views and prospects and should be designed and located to minimise their impact. **Objective GI 7-2: Scenic Routes** state that it is an objective *to protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this plan. The scenic routes identified in this plan are shown on the scenic amenity maps in the CDP Map Browser and are listed in Volume 2 Chapter 5 Scenic Routes of this plan.* **Objective GI 7-3: Development on Scenic Routes** states that it is an objective to:

- a) *Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.*
- b) *Encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping. See Chapter 12 Heritage Objective HE 46.*

5.3. Natural Heritage Designations

5.3.1. The site is not located within a designated Natura 2000 site. However, the site is located north of Sovereign Islands Special Protection Area (Site code 004124) which is located off the Cork coastline to the south.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by JE Keating & Associates Architects, Douglas, Co Cork on behalf of the applicant Willem Fabritius. The appeal submission may be summarised as follows:

- The applicant has lived across the road from the appeal site all his life. The applicant has been living in Dublin but moved home a year ago in anticipation of building his own house across the road from his parents on this acre site.
- The proposal is a small single storey dwelling of 168sqm. A design concept statement was submitted with the application.
- As part of the further information response further details in relation to the EPA test and site entrance were submitted.
- At considerable cost to the applicant a full Traffic Assessment was carried out by Atkins. The Area Planner was satisfied that it presents a reasonable argument, and justification for a 52m sightline.
- In response to the reason for refusal the applicant sets out that they were mindful of the fact that the proposed entrance was on a narrow boreen and endeavoured to show through on site evaluation how the proposed entrance could work.
- The proposed entrance as designed would be one of the few entrances constructed on this road to have reasonable sight lines compared to other existing houses on this road.

6.1.2. The appeal was accompanied by the following:

- Technical response to the reasons for Cork County Council Area Engineers objection to the scheme prepared by Atkins Engineering.
- Traffic Junction Assessment Report by Atkins.
- Copy of the Case Planners initial planning report.

6.2. Planning Authority Response

6.2.1. There is no response to from the Planning Authority recorded on the appeal file.

6.3. **Observations**

6.3.1. There is no observation recorded on the appeal file.

6.4. **Further Responses**

6.4.1. There is no further responses recorded on the appeal file.

7.0 **Assessment**

7.1. The application submitted to Cork County Council on 23rd September 2016 was for the construction of a single storey 3-bed dwelling (168.1 sqm), site entrance, potable well, bio-filtration unit and all associated site works. On the 12th December 2016, in response to a request for further information the applicant submitted sight line drawings, engineering drawings and drainage proposals. On the 13th April 2017 in response to a request for clarification the applicant submitted a Junction Assessment Report prepared by Atkins Engineering. Accordingly, this assessment is based on the plans and particulars submitted to Cork County Council on 23rd September 2016, as amended by further information submitted on 12th December 2016 and clarification as submitted on 13th April 2017.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my site inspections of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Traffic Safety
- Visual Amenity
- Waste Water Treatment
- Development Contribution
- Appropriate Assessment

7.3. Principle / Policy Considerations

7.3.1. As noted by the Plannign Authority the appeal site is in an area defined as *Rural Area Under Strong Urban Influence* in the current County Development Plan. The Sustainable Rural Housing - Guidelines for Planning Authorities 2005 are based on the presumption that where the 'applicant comes within the development plan definition of need', people who have roots in or links to rural areas, and are part of and contribute to the rural community will be considered favourably subject to compliance with other normal planning considerations. Policy RCI 4-2 - Rural Area Under Strong Urban Influence requires that applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need as summarised:

- Farmers, their sons and daughters
- Persons taking over the ownership and running of a farm on a fulltime basis
- Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years
- Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area
- Returning emigrants

7.3.2. Having regard to the information available with the appeal file the applicant is not the son of a farmer, is not taking over the ownership and running of a farm on a fulltime basis, is not working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years and is not a returning emigrant. However, I would draw the Boards attention to the "Supporting Letter" submitted with the application where the applicant sets out the following as summarised:

- The applicant was born in Ireland, they hold an Irish passport and moved to the area with their parents in 1991. The applicants parents ran a local pub in Kinsale.
- The applicant went to school locally, in Bandon and in Cork City. When living in Kinsale the applicant was involved in the local sailing community

and Kinsale Outdoor Education Centre. While at university the applicant also worked locally during the summer holidays.

- Following a number of years of employment away from Cork and commencing a PhD in engineering the applicant intends to develop their new business within the wider Cork region while based in their new house at Clonleigh, Kinsale.
- Applicant states that they do not own any property.

7.3.3. Having regard to the foregoing I agree with the Case Planner that the applicant is a person who has spent a substantial period of their lives (i.e. over seven years), living in the local rural area and therefore satisfies *the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area.*

7.4. Traffic Safety

7.4.1. Cork County Council in their reason for refusal set out the following:

The proposed development would endanger public safety by reason of traffic hazard because the restricted road frontage would preclude the provision of satisfactory sight lines at the proposed entrance, and therefore conflicts with Policy Objective TM3-3d of the County Development Plan 2014, as proposed visibility sightlines of 52m x 2m in both directions is inadequate to ensure the safety of road users.

7.4.2. Chapter 10 Transport, Section 10.3.11 of the current County Development Plan states that it is of critical importance to road safety that any new vehicular access is designed with adequate provision for visibility, so that drivers emerging from the access will have adequate visibility of oncoming vehicles, cyclists and pedestrians. Objective TM 3-3(d): Road Safety and Traffic Management states that it is an objective *to ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.*

7.4.3. As documented throughout the appeal site and as observed on day of site inspection a vertical 90m x 2.4m sightline plan is not achievable at this location without significant intervention. The Area Engineer required a sightline of 90m and that without third party consent to lower proposed existing ditches of adjoining lands,

adequate sightlines cannot be guaranteed. The Case Planner noted that the applicant was unable to reach an agreement with the parties involved, to make alterations to a roadside gateway and boundary beyond their control. Atkins Engineering carried out a very detailed and site specific assessment of the local road (i.e. traffic count and traffic speeds) demonstrating that a sightline of 52 m can be provided at the proposed entrance. The report also states that the proposed entrance is at the optimum location. In the opinion, of the Case Planner it is stated that the applicant presented a reasonable argument, and justification for a 52m sightline.

7.4.4. The Traffic Junction Assessment Report by Atkins submitted with the appeal concluded that the provision of direct access, as described in the assessment, would fall within the characteristics currently found at this location and that the risk of providing access at the location described falls well within acceptable operational norms and should therefore be subject to a positive planning decision.

7.4.5. Having regard to the detailed information available on file together with my site inspection I consider that the character of the existing network is a significant consideration in the determination of the scheme. I do not consider that the proposed development would generate significant additional traffic turning movements. The proposed development would not in my view endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on this road at a point where sightlines are restricted having regard to the character of the road that already forces vehicles to proceed in a slow and cautious manner. In these circumstances, I do not share the Planning Authority's conclusion in relation to the creation of a traffic hazard.

7.5. Visual Amenity

7.5.1. The appeal site is located on the southern side of a designated Scenic Route, as set out in the Development Plan. Section 13.7 of the plan states that *whilst advocating the protection of such scenic resources the plan also recognises the fact that all landscapes are living and changing, and therefore in principle it is not proposed that this should give rise to the prohibition of development along these routes, but development, where permitted, should not hinder or obstruct these views and prospects and should be designed and located to minimise their impact.*

7.5.2. Having regard to that scale, design and layout of the scheme, overall I agree with the Case Planner that the development is a high standard low impact house that recognises and responds to the exposed headland coastal landscape and topography and that the proposed house will not injure key views and prospects from the designated scenic route. Overall I am satisfied that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features.

7.6. Waste Water Treatment

7.6.1. It is proposed to serve the scheme with a new bio-filtration unit. The Site Assessment Report and Site Characterisation Report prepared by Bares, Murray, de Bhaili Consulting Engineers submitted with the application stated that percolation tests carried out at the site resulted in a T value of 39.3. The EPA considers values in the range of 3 – 75 to be indicative of sites that are suitable for treatment of waste water. The report concluded that the site is suitable for a range of treatment methods. While it is possible to achieve the required separation distance from wells it is stated that given the density of domestic wells within the general area, it is proposed to install a treatment unit and pump fed soil polishing filter.

7.6.2. I have noted the contents of the Site Characterisation Form and details of proposed wastewater treatment system submitted the application. The proposed arrangements are considered acceptable subject to compliance with the requirements of the planning authority and the EPA guidelines. On the basis of the information available on file, I am satisfied that the subject site is suitable for the installation of the packaged wastewater treatment system and polishing filter as proposed.

7.7. Development Contributions

7.7.1. Cork County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 2004. I note from the Case Planners second report of 13th January 2017 that the following Development Contribution Calculation is set out in their report:

Proposed 168m² – 40m² allowed in Councils Contribution Scheme = 128 m²

$$128m \times €24.49 = €3134.72$$

- 7.7.2. I am satisfied that a development contribution is applicable in this case and recommend that should the Board be minded to grant permission that a Section 48 Development Contribution condition be attached

7.8. **Appropriate Assessment**

- 7.8.1. The site is not located within a designated Natura 2000 site. However, the site is located north of Sovereign Islands Special Protection Area (Site code 004124) which are located of the Cork coast. The general conservation objective for this site is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site (the Sovereign Islands Special Protection Area (Site code 004124) 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.

8.0 **Recommendation**

- 8.1. Having considered the contents of the application, the provisions of the current Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the nature, scale and design of the proposed dwelling and to the existing pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the amenities of adjoining dwellings or the visual or other amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would 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 on 23rd September 2016 as amended by the further plans and particulars submitted on the 12th December 2016 and 13th April 2017 and by the further plans and particulars received by An Bord Pleanála 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

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

5. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10)" - Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) 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 in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

6. 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.

7. 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.

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.

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, as amended. 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 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.

Mary Crowley

Senior Planning Inspector

11th October 2017