



An  
Bord  
Pleanála

## Inspector's Report ABP-300075-17

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| <b>Development</b>                  | Reconfiguration of the existing entrance and the construction of a two storey farmhouse and all associated services and site works. |
| <b>Location</b>                     | Ballyfolan, Manor Kilbride, Co. Wicklow.  |
| <b>Planning Authority</b>           | Wicklow County Council.   |
| <b>Planning Authority Reg. Ref.</b> | 17/983.   |
| <b>Applicant</b>                    | John Eustace.   |
| <b>Type of Application</b>          | Permission.   |
| <b>Planning Authority Decision</b>  | Refuse.   |
| <b>Type of Appeal</b>               | First Party   |
| <b>Appellant</b>                    | John Eustace.   |
| <b>Observers</b>                    | None.   |
| <b>Date of Site Inspection</b>      | 8 <sup>th</sup> February 2018.  |
| <b>Inspector</b>                    | Daire McDevitt  |

## **1.0 Site Location and Description**

- 1.1.** The appeal site is located along the eastern side of the L 4382 in the townland of Ballyfolan, a rural mountainous area in Co. Wicklow. It is c. 7km south of Tallaght, c.1.8km east of Brittas, c. 2.7km east of the N81 and c. 2.4km northeast of Kilbride.
- 1.2.** Further north along the same side of the L4382 is the applicant's uncles dwelling, a traditional two storey farmhouse set back from the road. There are two storey dwellings further north of this house. Opposite the site, on the eastern side of the L4382, the road has been the subject of ribbon development. These houses, including that of the applicant's sister, are sited at a lower level than the road. The houses in the immediate area range from single to two storey and are of varying designs, styles and scale.
- 1.3.** The site, with a stated area in the planning application form of 0.01 hectares, is taken from a larger field and is marked out with post and wire fencing. The field is stated to form part of a c. 100 hectare landholding in the applicant's ownership. There is a mature hedgerow and vegetation along the southern boundary. Trees have been planted along the northern and western boundaries and are at different stages of maturity. A line of trees has also been planted along the eastern (rear) boundary which bounds a forestry plantation.
- 1.4.** Access is proposed off a straight stretch of the L4382, which links to R114 and the R759. There is an existing agricultural access off the road into the larger field and a gate into the site from this field. The roadside boundary consists of a low stone wall with post and wire fencing, planting has also taken place along this boundary, but has yet to mature.
- 1.5.** The site is elevated above the public road, which bounds the site to the west, with the levels rising from west to east away from the road. Notwithstanding its elevated position in relation to the road, there are limited long views of the site due to the undulating topography of the area and existing vegetation. The main view of the site is from the northern approach along the L4382.
- 1.6.** Maps, photographs and aerial images in file pouch.

## **2.0 Proposed Development**

**2.1.** The proposed development consists of:

- A split level two storey contemporary style farmhouse with a gfa of c. 277sq.m.
- The design consists of two elements that are set at a ninety degree angle to each other with a traditional rendered finish with coursed granite works.
- The house would be sited between the 297.00 contour level and the 300.00 contour level. Due to the topography of the site, excavation works are proposed to accommodate a FFL of 297.84.

The application includes:

- Design Statement
- Visual Impact Assessment.
- Site Characterisation Form.
- Documentation to support the applicant's compliance with the rural housing policy.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for the following reason:

*Having regard to the:*

- a. Location of the site in an area defined in the County Development Plan as an Area of Outstanding Natural Beauty which encompasses those areas which are most valuable and sensitive and which are considered to be of the greatest scenic value.*
- b. The elevated nature of the site which is open to views from the local road network and from the N81 National Secondary Road.*

*c. The design of the proposed dwelling.*

*d. The extent of the groundworks proposed.*

*It is considered that, notwithstanding the applicant's legitimate eligibility for consideration for one-off rural housing development in this rural area, the proposed development could not be effectively assimilated into the landscape and as such would form a strident and obtrusive feature in this rural area. The proposed development would therefore contravene the policy set out in the County Development Plan, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planners report forms the basis for the Planning Authority's decision and is reflected in the reasons for refusal.

#### **3.2.2. Other Technical Reports**

**Environmental Health Officer.** No objection subject to conditions.

**Municipal Engineer.** No objection subject to conditions.

**Dublin City Council.** No objection subject to conditions.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

There are a number of previous applications by the applicant on the appeal site.

**Planning Authority Reference No. 16/591** refers to a 2016 application for permission for a single storey farmhouse. The application was withdrawn following a recommendation to refuse permission for the same reasons as the current application before the Board.

**Planning Authority Reference No. 13/8532** refers to a 2013 application for permission for a dwelling. The application was withdrawn following a recommendation to refuse permission for the similar reasons as the current application before the Board.

**Planning Authority Reference No. 12/6710** refers to a 2012 decision to refuse permission for a dwelling for two reasons. One reason was broadly in line with the current reason for refusal before the Board and the second related to public health concerns and the impact on the Poulaphouca Reservoir.

**Eustace Family Applications:**

**Planning Authority Reference No. 07/2127** refers to a 2007 grant of permission to the applicant's sister (Liliana Eustace) for a house on the opposite site of the road.

## **5.0 Policy Context**

### **5.1. Wicklow County Development Plan 2016-2022**

The Wicklow Settlement Strategy has identified a hierarchy of 10 levels of Settlement for the County, ranging from Level 1 Metropolitan Consolidation Town to Level 10 Rural Area.

The application site is located within **Level 10. Rural Area**, where the policy is that *Development within the Rural Area should be strictly limited to proposals where there is a proven social or economic need to locate in the area.*

The area is identified as an Area Under Strong Urban Influence.

## **Rural Housing Policy**

### **Houses in the Open Countryside**

**HD23** *Residential development will be considered in the open countryside only when it is for those with a definable social or economic need to live in the open countryside.*

*Residential development will be considered in the countryside in the following circumstances: (HD23 sets out 16 criteria, the most relevant are listed below)*

- (1) A permanent native resident seeking to build a house for his/her own family and not as speculation. A permanent native resident shall be a person who has resided in a rural area in County Wicklow for at least 10 years in total (including permanent native residents of level 8 and 9), or resided in the area for at least 10 years in total prior to the application for planning permission.*
- (5) A person whose principal occupation is agriculture and can demonstrate that the nature of the agricultural employment is sufficient to support full time or significant part time occupation.*

*In the event of conflict of any settlement strategy objective/landscape zones and categories, a person who qualifies under Policy HD23 their needs shall be supreme, except where the proposed development would be a likely traffic or public health hazard*

**Objective HD 3** refers to the need for single rural houses to comply with certain design criteria as set out in Appendix 1 and Appendix 2.

**Appendix 1** refers to general development and design standards.

### **Appendix 2 The Single Rural Houses Design Guidelines for New Houses in Rural Wicklow**

**Sloping Sites:** The principal axis of the house should have stepped floor levels reflecting the contours and where excavation cannot be

avoided, narrow house plans within minimised cut and fill are recommended

The site is located within the **Mountain Upland Landscape Area**, categorised as a **Mountain Area of Outstanding Natural Beauty**. A key characteristic of this area is its mountainous topography with u-shaped valleys, lakes and glacial topography and generally relates to lands immediately surrounding or above the 300+ contour line.

**Landscape Objectives:**

**NH49** refers to any development shall have regard to the County landscape hierarchy and the key development considerations set out for each area.

**NH50** refers to the requirement for a landscape/Visual Impact Assessment to be carried out for any application for permission in the AONB (Area of Outstanding Natural Beauty).

**Appendix 5 Landscape Assessment.**

**Section 5.3.2** refers to development in the Mountain Uplands, including:

- the requirement to submit a detailed justification for the proposed development,
- the requirement for a very high standard of siting, design and landscaping in order to assimilate the proposal into the existing landscape.
- Ensure that development on steep slopes (i.e 10%) will not be conspicuous or have a disproportional or dominating visual impact on the surrounding environment as seen from relevant scenic routes and settlements.
- To maintain the favourable conservation station of existing natural habitats.

## **5.2 Sustainable Rural Housing Guidelines (2005):**

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures.

To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

The application site is in an area identified as being under strong urban influence. The guidelines advise that houses in such areas may be provided to meet the housing needs of the local rural community, but that urban generated housing should be directed to zoned and serviced land within settlements.

## **5.3 Natural Heritage Designations**

There are a number of European designated sites within 5km of the application site:

- Wicklow Mountains SAC (site code 002122) c. 1.8km east of the site.
- Wicklow Mountains SPA (site code 004040) c. 6km to the east of the site.
- Glenasmole Valley SAC (site code 001209 c. 5km northeast of the site.
- Poulaphuca Reservoir SPA (site code 004063) c. 5km south of the site

There are no European designated sites within the immediate vicinity of the site.



## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The applicant has stated that the site has an area of c. 1.5 hectares and is taken from the applicant's landholding of c. 100 hectares.

The first party appeal seeks to address the reason for refusal and can be summarised as follows:

#### **Landscape Characterisation and Visual Impact:**

- The site is relatively well contained and screened from the surrounding area due to extensive planting that has been carried out to date. It is relatively low lying compared to the surrounding forestry lands. And is enclosed and well within the landscape envelope of the surrounding forestry and hedgerows.
- There are no protected views and the site has no intrinsic value that contributes the landscape characterisation of the area.
- The proposal for a c. 277sq.m house would be assimilated into the landscape due to the high quality of the proposed design. The visual impact would be less than for example a 200sq.m agricultural shed that could be erected on site under Class 6 Rural Exempted development, class 9 refers to 300sq.m structures.
- The proposal complies with national and local policies and objectives.
- The landscape characterisation as an Area of Outstanding Natural Beauty does not preclude the area from development. Objective NH50 requires that a Visual Impact Assessment (VIA) is carried out. The application includes a VIA, this concluded that the proposal could be appropriately assimilated into the landscape character of the area and would have a negligible impact external to the site from the public domain.
- The land to the west of the site have been reclassified as an Area of High Amenity Transitional Area. The site adjoins this reclassified area and this

classification should have been extended to the site and would be more reflective of the character of the lands.

- The lands are generally low to medium/medium sensitivity. The landscape generally falls within the 200-300m contour line and the area does not comprise of any significantly distinctive features that would merit recognition as an Area of Outstanding Natural Beauty.
- The site, which is a managed gently sloping agricultural field (below the 300m contour line) acts as a natural buffer to the forestry to the east, which in turn acts as a buffer to the Area of Outstanding Natural Beauty beyond. The site is more correctly defined as a transitional area.

**Design and siting:**

- The application include a report and analysis of alternative sites within the applicant's landholding which were also considered before the final site selection based on farming requirements, visual impact and suitability of location.
- Reference has been made to projects in the rural landscape which have been designed by the Architect and photographs included of houses in Co. Wicklow: The Cowhouse, Tinode and The Turkey House, Blessington. Reference to the applicant's uncle's farmhouse (where the applicant grew up) and Balfe's farmhouse granted permission in 2016, close to the site, off the Ballyfolan Road which are of similar style and scale to the current proposal.
- The farmhouse and courtyard area will be set into the site to avoid visual impact.
- The extent of groundworks is limited to utilising the contours of the site and would not be visible externally from the site.
- All cuts in the landscape, which will be lined with granite faced walls, would be visible for the most part from the farmhouse and not from the wider landscape. The contours of the land beyond these walls would be unchanged. The ground within the granite walls, other than the gravelled

courtyard, will be cultivated as a garden up to the external walls of the house. The lands beyond the retaining walls will be used as farm land.

- Setting the house into the site diminishes its visibility and lessens its impact as it blends into the landscape and does not create a strident feature in the landscape.
- The use of material has been carefully selected to further assimilate the proposal into the landscape.
- The proposal accords with the Wicklow Design Guidelines, which reference designs by the applicant's architect. It complies with the principles of developing and siting houses within sloping sites as set out in these guidelines.
- Trees, planted along the boundaries in 2006-2007 in anticipation of the future need for a farmhouse on the site, further screen the site.
- The site is not exposed and open, there are no views into the site from the surrounding road network and the N81. There are views into the site from directly opposite the site and planting would ameliorate this.

**Revised Site Layout:**

- The appeal includes a revised site layout plan and site section showing the building line moved 10m forward on the site. These revisions would reduce the ridge by 1m relative to the road and further assimilate the dwelling into the topography, reducing the finished floor level from 5.7m to 4.7m above road level.
- Four perspectives and a visual impact assessment have been submitted for the proposed modifications.

**Visual Impact Assessment:**

- The Visual Impact Assessment (VIA) concluded that:
  - The proposed development would not have any impact on any identified protected views.
  - The proposal would be well screened from the N81, located c.2.7km from the site.

- The main views of the site are limited to directly opposite the entrance or to a gap in the hedgerow, this could be mitigated with planting. The existing and proposed trees will screen the proposed house and mitigate the visual impact from the surrounding road network.
- The revised siting of the house within the site, ie moved 10m forward, could be conditioned if the Board considers such mitigation warranted.

The appeal includes the following:

- Design rationale report.
- Site selection rationale report.
- Site layout and section for the proposed revisions.
- Visual Impact Assessment for revised siting of the house.
- Examples of projects by the Architect.
- Letters of support for appeal from Teagasc and neighbours.

## **6.2. Planning Authority Response**

None.

## **6.3. Observations**

None.

## **7.0 Assessment**

The applicant has included with the appeal a revised site layout, moving the house c.10m forward on the site, for consideration by Board. I note that the scope of the changes proposed would not require re-advertisement. This report shall deal with the application lodged with the Planning Authority.

The main issues in this appeal are those raised in the grounds of appeal which seek to address the Planning Authority's reason for refusal. Due to the location of the site in a rural area, compliance with the Councils Rural housing policy

needs to be addressed. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Rural Housing policy.
- Design and Visual Impact.
- Other Issues.
- Appropriate Assessment.

## **7.1 Rural Housing Policy**

7.1.1 The application site is in an area designated as a strong rural area under urban influence. The Sustainable Rural Housing Guidelines advise that houses in such areas may be provided to meet the housing needs of the local rural community, but that urban generated housing should be directed to zoned and serviced land within settlements.

7.1.2 The County Development Plan places an emphasis in the Rural Housing policy for houses in the open countryside on proving a “definable social or economic need” by reference to one of 16 criteria as set out in policy HD23. As referenced in Section 5.1 of this report the first criteria applies to the applicant. This provides that a person is considered to be a permanent native resident if they have resided in a rural area in County Wicklow or in the area in question for at least 10 years prior to the application for planning permission. The fifth criteria also applies as the applicant has outlined that he is employed full time in farming the c.100 hectare landholding in his ownership.

7.1.3 Documentation has been submitted, including the applicant’s birth certificate and letters of attendance at local schools supporting the applicant’s ties to the landholding, details of his fulltime employment in farming and Land Registry details. Based on the information on file I am satisfied that the applicant complies with the first and fifth criteria as set out in policy HD23 for a house in a rural area.

## 7.2 Design and Visual Impact.

- 7.2.1 The Planning Authority's reason for refusal was on the premise that the proposed development would be 'strident' and obtrusive' due to the location of the site within an identified Area of Outstanding Natural Beauty, the elevated and exposed nature of the site from the road network and in particular the N81. In conjunction with the design of the house and the extent of ground works proposed, results in a development that could not be effectively assimilated into the landscape in an area considered to be of high scenic value.
- 7.2.2 The site is located within an Area of Outstanding Natural Beauty (AONB) c. 90m east of the identified Transitional Area Lands. The adopted policy does not preclude development within an Area of Outstanding Natural Beauty. It sets out that there is a need for appropriate siting, scale and design of development to ensure that it will not have a disproportionate, conspicuous or dominating visual impact on the surrounding environment
- 7.2.3 I note that there are limited long views of the site and it is not located within a protected view or clearly visible from an identified scenic route. The site is taken from the applicant's agricultural holding which is bounded by a forested area to the east, on higher ground, and to the west by ribbon development along the western side of the L4382. The site does not have any intrinsic features or characteristics which contribute to the Area of Outstanding Natural Beauty and I am of the view that, subject to good design and siting, the site could be developed in a sensitive manner that would not detract from the scenic value of the Area of Outstanding Beauty within which it is located.
- 7.2.4 Wicklow County Council's *The Single Rural Houses Design Guidelines for New Houses in Rural Wicklow* includes guidance for developing on sloping sites and the need to manage contours. The applicant is seeking permission for a c.

277sq.m two storey split level contemporary style farm house (ridge height of c. 6.87m) on a sloping site.

7.2.5 Given the sloping nature of the site, rising from the road towards the proposed location of the house, the proposal has been designed to sit on the site with a ground floor level at 297m below the 300m contour. The applicant submitted a revised site layout plan with the appeal, moving the house forward by 10m to a lower point on the site. This would reduce the finished floor level from 5.7m to 4.7m above the road level. I have inspected the site and I do not consider that the proposed modifications are required. I am satisfied that the original site layout plan submitted to the Planning Authority, with a setback of c. 72m from the road, is acceptable in this instance given the context of the site and its containment within the wider landscape. The main view of the site is from the northern approach along the L4382 and is localised to this approach. The proposal can be adequately assimilated into the landscape and would not be visually obtrusive.

7.2.5 The site is sensitive due to its location within a designated Area of Outstanding Natural Beauty. The applicant has attempted to address the sensitivities and constraints of the site through the use of a contemporary design solution, designed with the contours of the site. The effect is not to jar with the character of the landscape but to add a dwelling at this location that can be assimilated into the landscape. In this instance, I am satisfied that the proposal is an appropriate design intervention at this location as it adequately address the sensitives of the site and the surrounding landscape. I consider that the proposed development would not form a visually obtrusive feature in the rural area and would not detract from the character of the Area of Outstanding Natural Beauty.

7.2.6 I consider the proposed design, a modern slant on the traditional farmhouse, is reflective of the guidelines set out in the Development Plan which seek to promote dwellings that will blend and not dominate the local landscape. The overall height, mass and bulk is acceptable and the extent of groundworks required are acceptable as they would have a localised impact within the site.

Overtime with the maturing of the site boundaries and landscaping the impact of the house on the surrounding area would be further reduced. I am of the opinion that the proposal represents a well considered design approach that reasonably addresses the sensitives of the area. There are limited views of the site from the surrounding road network due to the topography of the area, the established vegetation and additional planting that has been carried out within the site. Boundary treatment can be further augmented with landscaping if the Board is of a mind to grant permission.

7.2.6 A Visual Impact Assessment (VIA) was submitted with the application and viewpoints were selected which give an overview of the impact the proposal would have on the surrounding area and the N81 in particular. Having inspected the site and surrounding area and having reviewed the viewpoint photographs and photomontages, I consider that the visual impact of the proposed development will be limited due to the topography of the area, the existing vegetation in the forms of hedgerows and trees, in conjunction with the additional tree planting and the separation distances from roads and adjoining dwellings. The visual impact will be most pronounced from the northern approach along the L4382, but will be mitigated by additional planting, albeit that this will take a number of years to become established and provide effective screening. I consider that existing and proposed planting allied with the containment of the development within existing landscape will serve to mitigate the impact.

7.2.7 In conclusion, I consider that the proposed development is acceptable from a design, landscape and visual impact perspective and that its impact would not be so significant as to detract for the Area of Outstanding Natural Beauty within which it is located. Therefore, the proposed development complies with the



policies and objectives as set out in the Development Plan and accords with the proper planning and sustainable development of the area.

### **7.3 Other Issues**

- 7.3.1 Access is proposed off a straight stretch of the L4382 where sightlines can be achieved in both directions. The Municipal Engineer has no objection to the proposal subject to standard conditions.
- 7.3.2 The applicant proposes to install an onsite wastewater treatment system and soil polishing filter with discharge to groundwater. It is proposed to connect to a group water scheme. The Site Characterisation form recorded November 2015 as the date of excavation and examination of the trial holes. At the time of inspection, 8<sup>th</sup> February 2018 following a period of heavy rainfall, it was noted that the site in general is good grassland, the ground was soft under foot but no ponding noted. Trial holes were filled in and covered in vegetation. Water was observed at the base of a trench at a depth of c. 2m. The Site Characterisation Form refers to the depth of the watertable at c.2 BGL (below ground level).
- 7.3.3 The Site Characterisation report submitted with the application concluded that an Oakstown BAF 6 PE treatment system and a soil polishing filter system would be suitable. A T value of 22.97 (min/25mm) is reported. Results for a P test have been included in the assessment, the result of which was a P value of 19.64. The Environmental Health Officer had no objection subject to conditions. I am satisfied based on the information on file that the proposed system once installed to the required specifications in conjunction with a soil polishing filter will be acceptable and would not give rise to public health concerns.
- 7.3.4 The proposal complies with the relevant development management standards for access, effluent treatment, landscaping, etc. I consider that any outstanding

issues could be dealt with by condition if the Board is of a mind to grant permission.

## **7.4 Appropriate Assessment**

7.4.1 Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on a European Site.

## **8.0 Recommendation**

I recommend that permission be granted subject to the conditions as set out below

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Wicklow County Development Plan 2016-2022, 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 be in accordance with the adopted rural housing policy and would not seriously injure the amenities of the area. 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, as amended by plans and particulars received on the 27<sup>th</sup> day of October, 2017, 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 external walls of the house shall be finished in neutral colour such as grey or off-white. Samples of the proposed external finishes and materials 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. 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.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of 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) Contoured drawings to scale of not less than [1:500] showing –
  - (i) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the northern and eastern boundary
  - (ii) Tree shelter belts of at least two rows shall be planted along the site boundaries. The trees shall consist of native or naturalised species and varieties and shall be protected from grazing animals by stock-proof fencing. Any trees 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 species, unless otherwise agreed in writing with the planning authority.
  - (iii) any hard landscaping works, including car parking, driveway, enclosed areas and lighting, specifying surfacing materials
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established

- (d) A timescale for implementation which shall provide for the planting of to be completed before the dwelling is first made available for occupation

Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. Species to be used shall not include either cupressocyparis x leylandii or grisellinia. 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 existing trees along the front boundary shall be retained and the proposed front boundary treatment, its exact height and location, 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. (a) The carriageway of the public road shall not be raised, lowered or otherwise altered at its junction with the access driveway to the proposed dwelling.  
(b) The gradient of the access driveway shall not exceed 3% for the first seven metres adjacent to the carriageway of the public road.

**Reason:** In the interest of traffic safety.

- 8. 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.

9. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

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 14<sup>th</sup> August 2017, 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.

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Dáire McDevitt  
Planning Inspector

14<sup>th</sup> February 2018