



An
Bord
Pleanála

Inspector's Report ABP-300453-17

Development	Construction of a new detached dwelling, waste water treatment plant and all associated site works.
Location	Myross, Union Hall, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/338
Applicant(s)	Michelle Browne
Type of Application	Permission
Planning Authority Decision	Grant, subject to 14 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Catherine Freeman
Observer(s)	E O'Donovan
Date of Site Inspection	23 rd March 2018
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	7
6.3. Planning Authority Response	8
6.4. Observations	8
6.5. Further Responses.....	8
7.0 Assessment.....	8
8.0 Recommendation.....	15
9.0 Reasons and Considerations.....	16
10.0 Conditions	16

1.0 Site Location and Description

- 1.1. The site is located on the western side of Myross, a peninsula, which lies c. 3.5 km south of Unionhall and which is bound to the east and the west by Squince and Blind Harbours, respectively. The local road, the L-4224-20-0, links Unionhall to the western side of Myross, via a causeway. The peninsula is composed of undulating topography and open countryside, which within the vicinity of the site tapers down to the shoreline. For the most part, dwelling houses are clustered together, again, within the vicinity of the site and further to the east on the stretch of land that connects the mainland to the peninsula on its eastern side.
- 1.2. The site itself is of roughly regular shape and it extends over an area of 0.24 hectares. This site is the subject of moderate gradients that generally slope downwards in a west north-west direction. The site is continuous with the northern portion of a field, which abuts the grounds to the appellant's dwelling house to the north and north-east. This boundary is denoted by means of a hedgerow. Access is obtained via a farm gate off an unsealed laneway, which runs to the east. This boundary is denoted by means of a mound and hedgerow. The shoreline lies along the western boundary of the site and a ditch denotes the transition from the same to the existing field.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a detached dwelling house, which would provide a total of 151 sqm of floorspace over two floors. This dwelling house would be sited in the western portion of the site. Its elongated form would be oriented so that its principal elevations face due east and west. The design of the dwelling house would reflect vernacular and contemporary influences. Thus, the roofline would extend downwards over the northern portion of the front elevation and two half dormer windows would be sited towards the extremities of the rear elevation. At ground floor level on the south-western corner there would be a projecting wrap around glazed feature. The walls would be finished in smooth painted sand and cement render and the roof would be clad in slate.

- 2.2. Under revised plans, the dwelling house would be served by a domestic well, which would be sited adjacent to the north-eastern boundary of the site. It would also be served by a packaged secondary treatment system, which would discharge to a 45 sqm soil polishing filter in the higher south-eastern corner of the site with the assistance of a low-pressure pump. Surface water would discharge to a soakaway.
- 2.3. A new splayed and gated entrance would be provided in the same position as the existing farm gate and a driveway to parking spaces beside the front elevation to the dwelling house would be laid out.
- 2.4. The existing northern/north-eastern boundary would be augmented with additional hedging. Likewise, the western ditch would be the subject of such planting and the new southern boundary would be denoted by means of a timber post and rail fence and hedge planting. Elsewhere within the site trees would be planted.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of further information, permission was granted subject to 14 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information requested with respect to landscaping, right of way to the site, the siting of a well with respect to the proposed soil polishing filter, and the need to conduct trial holes closer to the site of the said filter.

3.2.2. Other Technical Reports:

- An Taisce: Attention is drawn to the rural housing and amenity provisions of the CDP, the NSS and the Sustainable Rural Housing Guidelines (SRH), the impact of the proposed WWTS individually and cumulatively on surface and ground water, and the capacity of the coastal subject site, in a high value landscape, to accommodate the proposal.
- Area Engineer: Following receipt of further information, no objection.

4.0 Planning History

PPW 16/273: Pre-application consultation occurred in 16th December 2016.

5.0 Policy Context

5.1. Development Plan

Under the Bantry Local Area Plan 2011 (LAP), the site lies within a rural and un-serviced area and, under the Cork County Development Plan 2014 – 2020 (CDP), it lies within a tourism and rural diversification area. This site is also shown as lying within the landscape character type known as Indented Estuarine Coast, which is of very high value and sensitivity and national importance. As the proposal is for a dwelling house, Policy RCI 4-3 is of relevance.

5.2. Natural Heritage Designations

Myross Wood SAC and pNHA (site code for both 001070)

Castletownsend SAC and pNHA (site code for both 001547)

Sheep's Head to Toe Head SPA (site code 004156)

6.0 The Appeal

6.1. Grounds of Appeal

Non-compliance with the CDP:

- The site lies in an area of acknowledged high demand for residential development. The applicant has thus engaged with Objective RCI 4-3. She cites three categories under this Objective of relevance to her situation, i.e. (a), (d), and (f).
 - In relation to (a), as the family farm is 5.72 hectares and comprises marginal land, the appropriateness of it forming a basis for the justification of separate accommodation for the applicant's parents, two brothers and herself is questioned.

- In relation to (b), as the applicant resides on the eastern portion of Myross Island, which can be distinguished from the western portion where she now proposes to build, the strength of the applicant's connection to the destination locality is questioned.
- In relation to (c), as the applicant is a school teacher in Skibbereen, her work is not linked to the surrounding rural area of the site.

Accordingly, the applicant does not comply with the said Objective.

- Attention is drawn to the designation of Myross as a Landscape Character Type (LCT) 3 "Indented Estuary Landscape". Commentary on this LCT indicates that new one-off dwelling houses can be prominent within it. Consequently, the ability of sensitive landscapes to absorb such development needs to be considered and, in this respect, skylines and ridgelines should be respected. Attention is also drawn to the absence of any visual assessment of the proposal by the applicant and the prospect that it would indeed pierce the skyline/ridgeline.

Planning precedent:

- Attention is drawn to a cluster of applications for the same lands as the site, which were refused in the late 1990s and early 2000s. One of the reasons for refusal was that the access was too steep and tended to be washed away. Attention is also drawn to a site 300m to the east, whereon 04/383 was refused by the Board (PL04.207949) on the grounds that, in the absence of a rural generated housing need, the proposed dwelling house would be obtrusive within the scenic landscape. To grant permission now would establish an adverse precedent that has previously been avoided.

Environmental impacts:

- Concern is expressed that the proposed well may prove unsatisfactory due to the salinity of the ground water and that its siting close to the appellant's septic tank and percolation area may lead to contamination. The option of utilising the local mains water supply may not be feasible, as any route would entail traversing lands that are not under the applicant's control.
- Light from the proposed dwelling house may disturb local wildlife.

Access/flooding:

- The site is located at some remove from the public road: was the Area Engineer aware of this?
- The private road to the site from the public road is partly in the ownership of the applicant's parents and partly in the ownership of at least three other land owners.
- The said road is narrow, steep, the subject of a blind bend, and subject to being washed away.
- The applicant discounted two possible sites in the vicinity of her parents dwelling house on the eastern side of Mycross on the basis that they would be liable to flooding. However, two dwelling houses have recently been built and an agricultural building is presently being built at comparable levels on that side of the peninsula. Furthermore, the only flood event recorded by the OPW is on the western side. Thus, the case for her site selection, on the basis of minimising flood risk, is misplaced.
- The routing of electricity to the site may further constrain access along the boreen in question.

6.2. Applicant Response

- The Planning Authority is satisfied that the applicant fulfils Objective RCI 4-3, as she has always resided in Myross and Skibbereen, her place of employment, is the service centre for an extensive rural hinterland that includes Myross.
- The site selection process took cognisance of the fact that the dwelling house and adjoining lands of the applicant's parents lie at a lower level than other buildings and lands and their home has been flooded in the past.

The subject site lies within an existing cluster of dwelling houses and at a lower level than these dwelling houses. Consequently, the proposed dwelling house, which would be of modest height and vernacular design, would not pierce the skyline/ridgeline.

- The previous applications pertained to higher sites on open land and they would have led to linear development along the boreen. Issues of local housing need also featured.
- The public water main exists at Myross Bridge. The applicant now intends to connect to this main rather than bore a well on the site.

Attention is drawn to a solicitor's letter that establishes that private rights of way along the boreen do not favour any one party.

The proposed WWTS would comply with the relevant EPA Code of Practice.

6.3. **Planning Authority Response**

No further comments.

6.4. **Observations**

Concern expressed over the proposal in the light of the following considerations:

- Attention is drawn to the unspoilt beauty of the area and its wildlife, which includes several vulnerable species. The siting of a dwelling house close to the shoreline and at some remove from the public road would undermine the amenity of the area and establish an adverse precedent.
- A new access and additional traffic would spoil the boreen in question and pose a greater safety hazard to walkers.

6.5. **Further Responses**

None.

7.0 **Assessment**

- 7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural housing policy,
- (ii) Landscape, location, siting and design,
- (iii) Access,
- (iv) Water, and
- (v) AA.

(i) Rural housing policy

7.2. Under the CDP, the site is shown as lying within the Rural Housing Policy Area Type (RHPAT) RCI 4-3: Tourism and Rural Diversification Area. Under this RHPAT, applicants must demonstrate that they have a rural generated housing need. To this end seven criteria are set out as an expression of such need and applicants must exhibit at least one of these to be a candidate for a dwelling house.

7.3. The current applicant has completed a supplementary planning application form in which she sets out information pertinent to the question of rural housing need. Her architect draws upon this information to state that she qualifies as having such a need under the following criteria:

(a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm,

(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, and

(f) Persons whose permanent employment is essential to the delivery of social and community services and intrinsically linked to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social need to live in the local area where they work, within which it is proposed to build a first home for their permanent occupation.

- In relation to the item (a), the applicant states that her parents are pensioners and her father owns and farms the subject site, which forms part of a 5.3-hectare landholding. She presently resides with her parents and the proposed dwelling house would be the first permanent home of her own. The appellant questions whether a holding of this size can reasonably provide the basis for justifying the separate accommodation needs of the applicant's parents, that of

her two brothers, and herself. While I understand the point thus made, the item in question does not place any cap on the provision of dwelling houses for farmers' sons and daughters on the family farm.

- In relation to item (d), the applicant states that she is 28 and that she has resided in the family home at Squince (c. 0.5 km from the site) all her life. The appellant draws a distinction between Squince and Myross, as one is on the eastern side and one is on the western side of peninsula. However, given the smallness and interconnectedness of this peninsula, I consider that they can reasonably be regarded as a single local rural area.
- In relation to item (f), the applicant states that she is a primary school teacher in Skibbereen and that this school serves an extensive rural hinterland, which includes Myross. The appellant questions whether this fact alone is sufficient of a link to the local rural area. I note that item (f) refers to an intrinsic link to a particular rural area and that the Sustainable Rural Housing Guidelines cite the example of teachers in rural schools as exhibiting such a link. I note, too, that the applicant needs to be able to demonstrate a work related social or economic need to reside in the area within which they work. Skibbereen is an urban area rather than a rural one and so, notwithstanding the cited catchment for the applicant's school, I do not consider that an intrinsic link exists between this workplace and Myross. Furthermore, the applicant's work does not require her to reside in this rural area.

7.4. I conclude that, under items (a) and (d) of the CDP's Objective RCI 4-3, the applicant exhibits a rural housing need and so she is a candidate for a rural dwelling house on the subject site.

(ii) Landscape, location, siting, and design

7.5. Under Appendix E of the CDP, the site is shown as lying within the landscape character type known as Indented Estuarine Coast, which is of very high value and sensitivity and national importance. This designation reflects the provisions of the Cork County Draft Landscape Strategy 2007, which amongst other things, recommends the use of the Cork Rural Design Guide with respect to "issues of design, siting and overall approach to building dwellings in the countryside." CDP Objective GI 6-1 addresses landscape and Objectives RCI 6-1 and HE 4-6 address

the design and landscaping of new buildings. Within the former Objective, the need to “Protect skylines and ridgelines from development” is of relevance to the current proposal and, within the latter Objectives, the need to “Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape” is of relevance.

- 7.6. The applicant sets out in a cover letter to the application dated 13th March 2017 the rationale for the selection of the subject site. Thus, four alternatives were examined, i.e. three areas of land in her father’s ownership on the eastern side of the peninsula and one such area on the western side. Difficulties with the former three areas would arise due to the risk of flooding, prominence within the landscape, and relative inaccessibility and remoteness.
- 7.7. The appellant has questioned the first of these cited difficulties. She draws attention to the fact that the only reported flood event on the OPW’s website flood maps pertains to the southern end of the causeway on the western side of the peninsula. The applicant has responded by underlining the experience of flooding that her parents can testify to in the first of the identified areas. Corroborative evidence is provided by the relevant PFRA (2019/MAP/7/A) on the OPW’s CFRAMS website, which shows that there is a pluvial flood risk within the vicinity of their dwelling house, i.e. indicative 1% AEP (100 year) and extreme events.
- 7.8. In the light of the comparative exercise undertaken by the applicant, I consider that the selection of the area on the western side of the peninsula is reasonable. Within this area, the applicant explains that the subject site was chosen on the basis that it was at a lower altitude and at a point where the land levels out towards the sea. Accordingly, the visibility of the proposed dwelling house would be reduced and the practicality of building would be increased.
- 7.9. The appellant draws attention to the absence of a visual assessment of the proposal and to the prospect that the dwelling house would pierce the skyline/ridgeline. The applicant has responded by stating that she does not consider that this would happen. She also draws attention to the design of this dwelling house, which would be in keeping with the advice set out in the Cork Rural Design Guide and which would be of low rise form within the constraints of a ground and first floor layout.

- 7.10. The submitted plans utilise a TBM that works from the FFL of the appellant's dwelling house, i.e. 10m. (The ridgeline of this dwelling house is 15.40m). The proposed dwelling house would have a FFL of 10m, too, and a ridge height of 16.41m. Thus, the two dwelling houses would be of similar height.
- 7.11. While the applicant has not submitted any visual assessment of the proposal, during my site visit, I observed that locally important views of the vicinity of the site are available from the local road on its approach across the causeway to the north.
- Views from the northern portion of the causeway feature the appellant's dwelling house and an adjacent boathouse beside a slipway set against the backdrop of both the rising land to the south of the peninsula and in the distance the rising land of the separate headland at Reen to the south. The two aforementioned buildings would lie within the "V" formed by the two land forms in the background. I anticipate that the proposed dwelling house would be seen in conjunction with these two buildings and, within the said views, on the RHS of the boathouse. Thus, it would be seen against the backdrop of Reen and the likelihood of a mild piercing of the skyline cannot be ruled out.
 - Views from the southern portion of the causeway feature the aforementioned two buildings, although the visibility of the appellant's dwelling house reduces in a southerly direction as other dwelling houses in the foreground obscure its profile. Within these views the proposed dwelling house would be on the skyline. However, given the proximity of both existing buildings and this proposed one, this is not a cause for concern.
- 7.12. Objectives RCI 6-1 and HE 4-6 refer to the need to encourage new buildings that respect the character, pattern and tradition of existing places. During my site visit, I observed that within the cluster of dwelling houses in the vicinity of the site, differences in elevation and orientation are capitalised upon to ensure that the principal elevations of dwelling houses enjoy generous outlooks of the surrounding landscape and seascape. By contrast, the proposed dwelling house would be sited forward of the appellant's dwelling house in a position whereby the existing outlook would be unduly encroached upon. This siting would mark a break from the existing pattern of development and it would be unnecessarily unneighbourly in its impact.

- 7.13. While the submitted site plans do not provide a full site survey of levels, indicative levels show that the gradient across the site slopes downwards in a west north-western direction. As the proposed dwelling house would be sited on an east/west axis, some reworking of levels would be required to facilitate the same. I judge that a more respectful relationship between this dwelling house and the appellant's dwelling house to the east north-east could be achieved, if it were to be re-sited 6m to the south. Such re-siting would leave a 3m clearance distance with the southern boundary to the site. It would entail a greater reworking of levels. However, as the dwelling house would be set further into the slope of the field, there would, at the margin, be an easing of any piercing of the skyline within views from the northern portion of the causeway.
- 7.14. I conclude that the applicant's site selection process is reasonable. I also conclude that the design of the proposed dwelling house would be appropriate and that its siting would, likewise, be appropriate provided it is moved 6m to the south, thereby easing the resulting relationship with the appellant's dwelling house and, at the margin, lessening any resulting skyline presence.

(iii) Access

- 7.15. The subject site is reached via the local road, the L-4224-20-0, which crosses a causeway to serve the cluster of dwelling houses in the vicinity of this site. An unsealed lane connects this road to the site over a distance of c. 120m. This lane continues southward beyond the existing and proposed access point to the site. It is initially of gently meandering alignment. However, to the north of the said access point, it passes through a tight bend and, thereafter, as it passes the site, it is subject to a pronounced upward gradient.
- 7.16. The submitted site layout plan (drawing no. 1002) shows the sightlines that would be available from the proposed access point, i.e. an x distance of 2.4m and northern and southern y distances of 25m and 90m, respectively. The appellant expresses concern that the northern sightline would be sub-standard and she draws attention to the tendency for material to be washed down the track. (A note with respect to the southern sightline envisages that the existing hedgerow on the nearside would need to be reduced to a height of 0.7m). The observer further draws attention to the

amenity value of this track to walkers and how increased vehicular usage would pose a hazard to walkers.

- 7.17. During my site visit, I observed the track in question. I noted its condition and its horizontal and vertical alignments within the vicinity of the proposed access point are such that low vehicular speeds would be necessitated. I noted, too, that beyond this access point concrete has been laid, presumably to stabilise the surface of the lane.
- 7.18. The traffic that would be generated by the proposal would be likely to be low and so I do not consider that its introduction would have a significant impact upon the amenity value of the lane to walkers. Given that vehicle speeds would be low, I do not consider that either the restricted northern sightline or the incidence of walkers would lead to any appreciable hazard.
- 7.19. The appellant also raises the question of rights of way over the lane, which is a private road. Under further information, the applicant's solicitor advised that there are no registered private rights of way over this lane. Any disputes over its use would, ultimately, be a civil matter.
- 7.20. I conclude that the means of access to the site would be capable of accommodating in a satisfactory manner traffic that would be likely to be generated by the proposal.

(iv) Water

- 7.21. As originally submitted the applicant proposed to sink a well within the site as a means of establishing a water supply. The appellant expresses concern that such a supply maybe unacceptably saline and that the proximity of their septic tank and percolation area may risk its purity. The applicant has responded by stating that she now proposes to connect to the mains water supply, which is available at the nearby causeway. The appellant questions whether or not she would be in a position to do so. As with the right of way issue, this would, ultimately, be a civil matter, if local landowners are unable to agree on/consent to the route of the needed connection arrangements.
- 7.22. Foul water from the proposed dwelling house would be handled by means of a packaged secondary treatment unit, which would be sited towards the south-western corner of the site and which would discharge to a soil polishing filter, with the assistance of a low-pressure pump, to a percolation area, which would be sited on higher ground in the south-eastern corner. The siting of this area would maximise its

distance from the shoreline. i.e. 68m from the HWM. (Under the relevant EPA Code of Practice, 50m is the minimum separation distance in this respect). Under further information, the applicability of the completed site suitability assessment to this siting was revisited and I am satisfied with the applicant's commentary in this respect.

7.23. Surface water would be handle by means of a soakaway. The submitted site layout plan (drawing no. 1002) indicates, by way of a note, that run-off onto the lane would be intercepted. Beyond this note, details of surface water drainage arrangements have not been made explicit. They could however be the subject of a condition.

7.24. I conclude that the proposal would be capable of being satisfactorily supplied with water. Likewise, envisaged foul and surface water drainage arrangements would be satisfactory.

(v) AA

7.25. The site is neither in nor beside a Natura 2000 site. The nearest such site is at an appreciable remove, i.e. Castletownsend SAC (site code 001547), which is 1.55 km away. I have not been able to identify a source/pathway/receptor route between the subject site and this site. The nearest SPA is at Sheep's Head to Toe Head (site code 004156). The bird species of special conservation interest in this SPA are the chough and peregrine. The habitat of the former tends to be localised to near the tops of cliffs, while the latter ranges more widely. Nevertheless, given that this SPA is over 5 km away and the site is small, I do not consider that it would contribute significantly to the habitat of peregrines. Accordingly, I do not consider that any Appropriate Assessment issues would arise under the proposal.

7.26. Having regard to the nature and scale of the proposal and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposal 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. That the proposal be permitted.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020, the County Cork Draft Landscape Strategy 2007, the Cork Rural Design Guide 2010, and the pattern of development in the vicinity of the site, it is considered that, subject to conditions, the applicant is a candidate for a rural dwelling house on the site and that, subject to its re-siting within the site, the proposed dwelling house would be compatible with the visual and residential amenities of the area. Furthermore, this dwelling house would be capable of being satisfactorily accessed and serviced. No Appropriate Assessment issues would arise. The proposal would thus accord 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 the further plans and particulars submitted on the 27th 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. The proposed development shall be amended as follows:
 - (a) The dwelling house shall be re-sited in a position 6 metres due south of its proposed siting.
 - (b) All consequential changes to the proposal in terms of the layout of the driveway, the siting of the packaged secondary treatment unit, and landscaping shall be made explicit.

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 visual and residential amenity.

3. (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.

4. (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.

5. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the application and, subsequently, on the 27th day of October, 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 dwelling house 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 soakaways 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.

6. 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 the southern boundary of the site, and

(b) Planting of trees within 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.

7. (a) The external walls, roof finish and windows of the proposed dwelling house shall be as cited on the submitted plans.

(b) Prior to first occupation of the dwelling house, the new entrance way to the site shown on the submitted plans shall be fully laid out and completed. The gate(s) within this entrance shall only open inwards and the splayed walls shall be a maximum of 1m in height. The hedgerow along the eastern boundary to the site shall be retained at a height no higher than the splayed walls to the entrance way.

Reason: In the interest of visual amenity and road safety.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The developer shall pay to the planning authority a financial contribution of €2,113 (two thousand one hundred and the thirteen euro) 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. The application of any indexation required by this condition 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.

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.

Hugh D. Morrison
Planning Inspector

13th April 2018