



An  
Bord  
Pleanála

## Inspector's Report ABP-300656-18

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<b>Development</b>	Construction of house and all associated site works.
<b>Location</b>	(Local Road L1190), Courtlough, Balbriggan, Co Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F17A/0409
<b>Applicant(s)</b>	Tara Gaskin.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Andrew Gaffney.
<b>Observer(s)</b>	Michael Gaffney.
<b>Date of Site Inspection</b>	01 <sup>st</sup> of May 2018.
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

1.1. The site is a large open field (0.022ha in size), located along the west of Local Road L1190 at Courtlough, Balbriggan, County Dublin. The site is located c. 1.5km to the south of the nearby village of Balrothery. The site is located to the north of three existing one-off rural dwellings and there is currently an agricultural entrance with two brick piers at either side. A road ditch runs the full length of the site between the mature hedging along the east of the side and the adjoining local road. The site has been fenced off from the surrounding field in recent years and is overgrown.

## 2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Construction of a two storey detached rural dwelling (165m<sup>2</sup>) with a pitched roof and ridge height of c.8m,
- New vehicular entrance, 2 no on site car parking spaces, new stone piers and associated works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 16 no conditions of which the following are of note:

C 7- The use of the house is restricted to the applicant for 7 years.

C 4- External materials shall comprise of neutral render, exposed concrete and corrugated metal roof.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information on the following:

- Amended sightlines to ensure 135m is achieved in both directions and included a letter of consent from an adjoining landowner and use of species for planting along the boundary.
- Confirmation that the proposed driveway was to be permeable.

The application was accompanied by the following supporting documentation:

- Architectural Design Statement
- Site Characterisation form
- Traffic assessment for compliance with sight distances and design standards.
- Soakaway Design information

### 3.2.2. Other Technical Reports

Transportation Section- No objection subject to conditions.

Water Services Section- No objection subject to conditions.

### 3.3. Prescribed Bodies

Irish Water- No objection to proposal.

### 3.4. Third Party Observations

Two observations have been received from residents in the vicinity and the issues raised have been addressed in the grounds of appeal and within the submitted observation.

A letter of support for the applicant was submitted by a TD and a local Councillor.

## 4.0 Planning History

### **F02A/0711**

Permission refused for a bungalow for Anthony Thompson. Reasons for refusal include non-compliance with the rural housing policy, impact on the visual amenities of the area and creation of ribbon development.

## **FO2A/1082**

Permission refused for a bungalow for Anthony Thompson. Reasons for refusal include non-compliance with the rural housing policy and public health grounds arising from the insufficient information in relation to the treatment of foul effluent.

## **F01A/1082**

Permission refused for a bungalow for Michelle Thompson. Reasons for refusal include non-compliance with the rural housing policy, impact on the visual amenities of the area and creation of ribbon development.

## **PL06F.110096 (Reg Ref F98A/1160)**

Permission refused for a bungalow for Martin Hughes. Reasons for refusal include non-compliance with the rural housing policy and the creation of ribbon development.

## **5.0 Policy Context**

### **5.1. National Policy**

- Design Manual for Roads and Bridges (NRA,2000) & Rural Road link Design (TII, 2017)
- Sustainable Rural Housing-Guidelines for Planning Authorities (2005)
- EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)
- Eastern River Basin Management Plan 2009-2015

### **5.2. Fingal Development Plan 2017-2023**

The site is located within the countryside on lands zoned “RU” rural where it is an objective to *“Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.”*

## Rural Housing Policy

The applicant is not employed in farming, therefore the following policies and objectives apply for qualification qualify to live in the countryside.

### **Objective RF39**

Permit new rural dwellings in areas which have zoning objectives RU, or GB, on suitable sites where the applicant meets the criteria set out in Table RF03.

One member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, and where a new rural dwelling has not already been granted planning permission to a family member by reason of close family ties since 19th October 1999. The applicant for planning permission for a house on the basis of close family ties shall be required to provide documentary evidence that:

- S/he is a close member of the family of the owners of the family home.
- S/he has lived in the family home identified on the application or within the locality of the family home for at least fifteen years.

## Highly Sensitive Landscape

The site is located in an area which has been identified as a highly sensitive landscape in the green infrastructure maps, therefore the following policies apply.

**Objective NH36** Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm
- Introduces incongruous landscape elements
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

Objective NH37 -Ensure that new development meets high standards of siting and design.

Objective NH38-Protect skylines and ridgelines from development.

Objective NH39 -Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

### Views and Prospects

The site is located along a road which has designated views and prospects, therefore the following policies apply.

Objective NH40 -Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.

### Design Criteria for Housing

Objective DMS49- Ensure all new dwellings in the rural area are sensitively sited and consistent with the Landscape Character Type.

Objective DMS50- Ensure an application in the High Amenity zoning objective is accompanied by a comprehensive Visual Impact Statement.

Objective DMS52- New dwellings comply with Table 12.4

#### Table 12.4- Design Guidelines for Rural Dwellings

- Siting & Location
- Materials & Detailing
- Boundary Treatments
- Access and Site lines
- Surface & Wastewater treatment
- Landscaping

Objective DM353- Ensure the on-site treatment system complies with national guidance and code of conduct.

### 5.3. **Natural Heritage Designations**

The site is located 6.3km to the east of Skerries Islands SPA.

## 6.0 **The Appeal**

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

The grounds of appeal are submitted from a resident in the vicinity of the site and the issues raised are summarised as follows:

- The planning authority have not considered the impact on the surrounding residential amenity.
- The size and scale of the development is not in keeping with the neighbouring bungalows
- The submissions made by the local politicians is referred to and it is stated that the neither visited the site nor viewed the plans.
- Previous applications on the site where refused.
- The house has been granted due to the current housing crisis.

### 6.2. **Applicant Response**

An agent on behalf of the applicant has submitted a response to the grounds of appeal and the issues raised are summarised below:

- Further information was submitted in relation to sightlines and inclusion of a permeable gravel driveway.
- The planning officer undertook a robust assessment of all the issues raised by the grounds of appeal.
- The development plan states that Fingal countryside is under “Strong Urban Influence” and the site permits residential in principle.
- The site is located within an area classified as a low lying Character type, dominated by agriculture and a number of settlements and no concern over the visual impact was raised in the planning assessment.

- The applicant is seeking a house under Objective RF39, as defined in Table RF03 paragraph (i) as a member of a rural family who is considered to have a need to reside close to their family home, which the planning authority accepted.
- The proposed development will not cause any overlooking onto adjoining properties.
- The appellant lives on the opposite side of the road and the façade will be c. 50m away from the front façade.
- Local Councillors and politicians have a right to make submissions to applications.
- Ribbon development is not applicable along the road.
- The application is not submitted in response to the housing crisis.
- Planning permissions have previously been granted in areas designated as “Highly Sensitive Landscape”.
- The proposal complies with the national guidance on sustainable rural housing and the regional planning guidelines.
- A personal statement from the applicant, parents, supporting letter for a local GP in relation to a parent’s medical condition and 11 supporting statements from residents in the local area, accompanied the applicants response to the grounds of appeal.

### 6.3. **Planning Authority Response**

6.4. The Planning Authority response is summarised as follows:

- The scale and design of the dwelling is considered acceptable and it is not considered the proposal would diminish the visual amenities of the area.
- The proposed development is traditional in design and sufficiently set back and screened from the public road.
- Having regard to the location and design there will be no overlooking on adjoining properties.



## 6.5. Observations

One observation was received and the issues raised are summarised as follows:

- The site is located on lands zoned RU and is classified as highly sensitive landscape
- The letters of support on the file are from two TDs who have stated they do not know the applicant.
- Planning permission for an agricultural shed was refused on an adjoining site as it questioned how a dwellings can be granted.
- The two storey detached dwellings built in the area are pre 1963, those built after 1963 are dormer bungalows.

## 6.6. Further Responses

## 7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Rural Housing Policy
- Planning History
- Impact on Visual Amenity
- Impact on Residential Amenity
- Water and Waste Water Treatment System
- Access
- Appropriate Assessment

### **Rural Housing Policy**

7.2. The site is located in a rural area c. 3.5km south of Balbriggan and c. 4 km west of Skerries towns, in an area which has been identified in the development plan as “RU” rural, where it is an objective to protect the countryside for agriculture and rural related resources. The zoning permits one-off dwellings where the applicant can comply with the Fingal Rural Settlement Strategy. The applicant has submitted

evidence as having close family ties to the Fingal rural community as defined in Table RF03 paragraph (i) which states that one member of the rural family may be considered to reside close to the family home, where they have not already been granted planning permission since 1999 for a new rural dwelling, on the basis that they are a close family member and have lived in the family home or locality for at least fifteen years. Supplementary information to indicate compliance with this policy is summarised below:

- Past pupil of Skerries Community College (1998-2003),
- Past pupil of national School in Balrothery (1991-1998),
- Correspondence with Dublin City University with an address in Meadowbank, Palmerstown, Skerries,
- Land Registry for parents in Meadowbank, Palmerstown, Skerries,
- Confirmation of residency in Australia,
- Supporting information in relation to close family members health,
- Confirmation the applicant does not currently own any residential accommodation in the state,
- Confirmation the family home is located within c.700m.

7.3. The Planning Authority considered the information submitted satisfactory for the applicant to meet the criteria for an eligible applicant for a new rural dwelling, which I consider reasonable. I note the applicant has stated in the supporting documentation they have another sibling and I note no previous permissions to this sibling are included with the supporting information.

7.4. Therefore, having regard to the location to the applicants parents and the supporting documentation relating to links to the rural area, I consider the applicant complies with the criteria in Table RF03 paragraph (i), of the current development plan, as having a need to reside close to their family home by reason of close family ties.

### **Planning History**

7.5. There are four previous refusals on the site for a one-off dwelling. The reasons for refusal related to non-compliance with the rural housing settlement, ribbon

development, impact on visual amenities and impact on public health. The grounds of appeal refer to these previous refusals, each of the reasons are assessed below.

- 7.6. Rural Housing Policy: The proposal was for a one-off rural dwelling and the applicants did not comply with the need to live on the site. The applications were submitted by different applicants to the current application, therefore this reason for refusal is not relevant in this instance.
- 7.7. Ribbon development: Ribbon development is defined in the national guidance as “*development of a row of houses along a country road (resulting in five or more houses on any one side of a given 250m of road frontage)*”. The subject site is located to the north of a row of three dwellings, which share the same road frontage, therefore I do not consider ribbon development is application in this instance.
- 7.8. Impact on visual amenities: The site is located within an area zoned as “RU” rural, with a landscape sensitivity as High. The site is directly adjacent to a rural dwelling within a low lying landscape. The issue of visual amenity is discussed in detail below.
- 7.9. Impact on public health: A reason for refusal in Reg Ref FO2A/1082 referred to the impact on public health as there was insufficient information submitted in relation to the treatment of foul effluent. The application includes a proposal for a septic tank and associated works and is accompanied by a site characterisation form. The issue of compliance is discussed in detail below.
- 7.10. Having regard to the issues raised in the previous refusals on the site and the information submitted with this application I consider many of these issues are site specific and this proposal may be treated on its individual merits, therefore I do not consider those reasons for refusal on the previous permissions relevant in this instance.

### **Impact on Visual Amenity**

- 7.11. The subject site is located on a low lying area in a rural setting and there is a significant amount of one-off dwellings in vicinity of the area. The dwellings adjacent to the site to the south are modest in size and design and all those dwellings in the immediate vicinity are single storey bungalows. The grounds of appeal submit the proposed dwelling will have a negative impact on their amenity and there is concern with regard to the scale and bulk of the dwelling.

- 7.12. The site is located in an area identified as “Highly Sensitive Landscape” on the Map 1 for the Green infrastructure. Objective NH39 of the development plan requires the submission of a Visual Impact Assessment for any development in these areas. A submitted Architectural Design Statement refers to the modest dwelling, the Irish Design Guidance included the Meath Rural Design guide, the traditional farm type and the simple materials used. A contextual drawing of the dwelling within the site as taken from the adjoining local road is provided. Other objectives in the development plan relating to development in this area include requirements to respect the landscape through sensitive siting and design. Having regard to the location of the site directly adjacent to a row of three rural dwellings, the low lying nature of the site and the overall height and scale of the dwellings I do not consider the proposed development would have a negative impact on this sensitive landscape.
- 7.13. Objective DMS52, of the development plan, states that new dwellings shall comply with requirements of Table 12.4 which provides guidance for siting and design, materials and detailing, boundary treatments and landscaping. The two storey dwelling is 165m<sup>2</sup> with a pitched roof and ridge height of c.8m, is set back c.26m from the edge of the public road and is located along the north of the site. The facade includes a traditional farmhouse style design with a simple palate of materials including a corrugated roof. I consider the modest design of the dwelling complies with the requirements of the development plan and having regard to the low-lying nature of the area and the proposed set back of the dwelling from the edge of the road, I do not consider the proposal would have a negative visual impact on the surrounding area.
- 7.14. There is currently mature hedging and trees along the road front of the site which, apart from a new entrance to the north of the site, are to remain unchanged. Following a further information request in relation to sightlines the applicant confirmed that 66m of hedge along the north of the site is to be removed and replaced with indigenous planting. I consider the retention of the roadside boundary is appropriate for the overall siting of the proposal and I consider a condition relating to the retention appropriate to ensure integration of the site into the landscape.
- 7.15. Having regard to the guidance on the objectives and guidance in Table 12.4 of the development plan, I consider the simple design, the location of the dwelling and the characteristics of the site ensure the overall siting and design is sympathetic to the

rural location of the site and will have no negative impact on visual amenities of the surrounding area.

### **Impact on Residential Amenity**

- 7.16. The site is located to the north of an existing bungalow and on the opposite side of a local road from the appellants dwelling. The grounds of appeal argue the design and location of the proposed dwelling will have negative impact on the visual and residential amenity of the occupants of the existing residents of these dwellings.
- 7.17. The proposed dwelling is to be set back into the site from the adjoining road side and will be c. 50m to the north of the closest dwelling to the south, separated by outbuildings, and c. 55m on that dwelling on the opposite side of the local road. Having regard to flat characteristic of the site and the distance of the proposed dwelling from those existing dwellings I do not consider there would be any negative impact by way of overbearing, overlooking or overshadowing.
- 7.18. The impact of the proposal on the visual amenity of the surrounding area has been discussed in detail above and although I note the first floor of the proposed dwelling may be visible from the dwelling to the east, I consider the location of the dwelling. 26m from the front of the site and the significant amount of mature landscaping along the front of the site will prevent any significant negative visual impact on the amenities of those residents.
- 7.19. Therefore, having regard to the overall location and design of the proposed development I do not consider there would be any significant negative impact on the amenities of those residents in the vicinity of the site.

### **Water and Waste Water**

- 7.1. The proposed development includes a packaged waste water treatment system and sand polishing filter designed for 6 persons. The proposed development includes a connection to the public mains supply.
- 7.2. The site is located in an area identified as locally important aquifer with a "Moderate" vulnerability classification in the GSI Groundwater maps, representing a GWPR response of R2<sup>3</sup> under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B5, Table B.2). No Karst features were recorded within 200m of the area tested. The site is located within a

Ground Water Protection Scheme in the outer protection area. The EPA guidance requires evidence of the quality of the groundwater source and the number of existing houses to ensure accumulation of significant nitrate and/ or microbiological contamination is unlikely. There are four existing dwellings to the south and east of the site and the information in the site characterisation form indicates a “*probable ground water flow*” from the site and north. The site is located in an area called “Lusk Bog of the Ring” and the ground water status for the area is currently poor. The Eastern River Basin Management Plan 2009-2015 has identified this area as having poor quantitative status due to over abstraction. Irish Water have no objection to the proposed development and I note no rivers or reservoirs in the vicinity of the site, therefore I do not consider the proposal would have a negative impact on the sourcing of the water supply in the area. Having regard to the limited number of houses in the vicinity, the direction of the groundwater flow, and the connection to a public water supply, I do not consider the proposal would have a significant adverse impact on the groundwater status of this body.

- 7.3. The trail hole assessment submitted by the applicant encountered no bedrock and the water table was recorded at a depth of 1.8m. There were no trial holes available for inspection during a site visit as the site was overgrown, although I noted no evidence of waterlogging on the site. A roadside ditch along the edge of the site was dry on inspection. The submitted site characterisation records a T-test value of 63.00 min/25mm, which is not within the acceptable range for a septic tank (Table 6.3) which states that between 50 and 75 a waste water septic tank is likely to cause ponding and a secondary treatment system at a depth of the T-test hole is required. The P-Test recorded a value of 46.00 min/25mm which is within the acceptable range for a secondary treatment system. A tertiary treatment system with a sand polishing filter of 18m<sup>2</sup> is proposed which complies with EPA Code of Practice.
- 7.4. Table 6.1 of the EPA Code of Practice requires a minimum distance of the WWTS, 10m from an open drain, 7 m from an adjoining dwelling and 3 m from the site boundary. The applicant has stated the site is to be served by the public water system, therefore there is no well on the site. The proposed septic tank is over 40 m from the open drain along the front of the site, 7m from the edge of the boundary, to the north and the percolation area is 3m and I consider the distance from the boundary sufficient to comply with the EPA Guidance. A response from the Water

Service Section has no objection to the proposal subject to conditions including compliance with the EPA CoP.

- 7.5. Surface water: An engineer's report on the design of a soakaway accompanied the initial application as supplementary information. The soakaway is located in the centre of the site and includes a silt trap and inspection chamber. The proposed development includes a permeable gravel driveway and drainage channel along the front of the vehicular entrance. The Report of the Water Services Section has no objection to the proposed development. Having regard to the design of the infrastructure to service the site I consider the surface water can be sufficiently treated within the confines of the subject site.
- 7.6. Having regard to the design of the septic tank, soakaway and connection to the public water supply, I do not consider the proposed development would have a negative impact on the groundwater and I consider the site can adequately meet with the requirements of the EPA Guidance.

### **Access**

- 7.7. The subject site has an existing agricultural access and the proposed development includes a new vehicular access c. 10m to the north of the existing entrance. The site fronts onto Darcytown Road local road L1190, and an engineer's report submitted with the initial application "Compliance of available sight distances at candidate site with relevant design standards" confirms a speed limit of 80kph. The Design Manual for Roads and Bridges includes the minimum sight stopping distances for differing design speeds and a stopping distance of 160m is required onto a road with a design speed of 85kph and 120m for a road with a design speed of 70kph. Following a further information request for an increase in the sight lines from 122m to 135m the applicant submitted an amended design including the removal of part of the hedgerow along the front of the site, replanting of indigenous plants behind the sight lines and a letter of agreement from an adjoining landowner with regard the control of lands of the adjoining site to the north.
- 7.8. The report of the Traffic Section refers to the 80kph speed limit along the road and has no objection to the proposal subject to conditions relating to the retention of the areas along the front of the road for the sightlines, which I consider reasonable.

7.9. Therefore, having regard to the set back and the required standards in Table 1.3 of the accompanying technical guidance (Rural Road Link Design) of the Design Manual for Roads and Bridges and, the amended landscaping proposal and the letter of agreement from the owners of the adjoining site, it is considered the proposed development would not cause a traffic hazard.

### **Appropriate Assessment**

7.10. The site is located 6.3km to the east of Skerries Islands Special Protection Area. As stated above in the assessment of the water and waste water treatment system, the site can be serviced, therefore there is no potential risk for groundwater or surface water pollution. I do not consider there to be a potential source/pathway receptor route between the site and the Natura 2000 site. Therefore, having regard to the nature and scale of the proposed development, the conservation objectives and distance from the European Sites, it is reasonable to conclude that on the basis of the information on 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 the Skerries Islands Special Protection Area, or any other European site, in view of the sites conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

## **8.0 Recommendation**

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## **9.0 Reasons and Considerations**

Having regard to the national guidelines, Sustainable Rural Housing-Guidelines for Planning Authorities and Design Manual for Roads, Bridges (Rural Road link Design) and the EPA Code of Practice, the policies and objectives of the Fingal Development Plan 2017-2023, in particular Objective RF39 for rural housing and Objective NH39 highly sensitive areas and the pattern of development in the area, it is considered that subject to compliance with the conditions as set out below the proposed development would not seriously injure the residential or visual amenities of the area



and would be acceptable in terms of traffic safety and convenience. Therefore, the proposed development 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, 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted with the further information request on the 10<sup>th</sup> of July 2017, and agreed in writing with, the planning authority prior to commencement of development.

This scheme shall also include the following:

(a) the establishment of a hedgerow along all side and rear boundaries of the site, and

(b) planting of trees at intervals agreed with the planning authority along the eastern boundaries of the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the

surrounding rural landscape, in the interest of visual amenity

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. The land required for the sightlines along the front of the site shall be reserved free from development and the front roadside boundary of the site, to the south of the vehicular entrance, shall be set back 3.0m from the edge of the public road and maintained as a grass verge.

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

5. (a) The treatment plant and polishing filter 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. 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

6. 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.

7. . 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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Karen Hamilton  
Planning Inspector

09<sup>th</sup> of May 2018