



An  
Bord  
Pleanála

## Inspector's Report ABP-300751-18

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<b>Development</b>	Dormer bungalow, detached garage, secondary wastewater treatment system, private well and all associated site development works including demolition of dilapidated sheds on site.
<b>Location</b>	Cooletan, Rathangan, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	17863
<b>Applicant(s)</b>	Claire Noons.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Iain Morris
<b>Observer(s)</b>	None (note a number of submissions made but these were returned as invalid).

**Date of Site Inspection**

17<sup>th</sup> May, 2018.

**Inspector**

Stephen Kay

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in a rural area c.5km to the north west of Rathangan Village in County Kildare. The site is located on the southern side of a local road that is accessed off the R401 (Rathangan to Clonbulloge) road. This road is narrow having a width of c.4 metres and is characterised by a low level of traffic. The rural area in the vicinity of the site is characterised by a moderate level of development.
- 1.2. The site which has a stated area of 0.252 ha, is located on a section of the local road characterised by a series of bends and also having significant roadside vegetation. The site is adjoined to the west by an existing residential property with a large shed / outbuilding located adjacent to the boundary with the appeal site. The boundary between the appeal site and this adjoining site to the west as well as the southern boundary are sparsely planted. The eastern boundary of the site and the northern roadside boundary are characterised by mature tree and hedgerow planting that screens the site from view from the public road.
- 1.3. The site is characterised by a derelict shed structure located on the front part of the site. This would appear to be an agricultural building that has not been in use for a significant period of time. There is an old stone wall and pedestrian gate at the entrance to the site.
- 1.4. The levels on site are relatively flat and at the time of inspection the ground conditions observed on site were firm.
- 1.5. Vehicular access to the site is available via an existing entrance located at the western end of the road frontage. Visibility from this entrance is very restricted particularly to the east where sightlines are obscured by the roadside vegetation.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of the remains of the existing shed structure on the site (sated area 72 sq. metres) and the construction of a bungalow with accommodation in the roofspace. The first floor accommodation is

proposed to be served by rooflights to be located in both the front and rear roofslopes. The dwelling has a stated floor area of 136 sq. metres.

- 2.2. The existing access point at the western end of the road frontage is proposed to be redeveloped to serve the proposed development. Adequate sightlines at this entrance are proposed to be achieved by the setting back of the existing roadside boundary on the appeal site. These works would involve the removal of all existing mature roadside vegetation and the setting back of a new roadside boundary by a distance of up to 4 metres from the existing road edge. A detached single storey garage is proposed to be located towards the south west corner of the site.
- 2.3. The dwelling is proposed to be served by an on site effluent treatment system and water supply is indicated in the public notices as being via a new bored well on site.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 28 conditions. The most notable of these conditions in the context of the appeal are considered to be as follows:

- Condition No.2 is an occupancy condition for a period of seven years.
- Condition No.4 specifies that the proposed garage is not permitted as the plans were not submitted with the application.
- Condition Nos.5 and 6 specify that the planting of existing unplanted boundaries and that existing hedgerows to be retained apart from the front boundary where a new hedgerow is to be created using native species as per section 17.2.6 of the development plan.
- Conditions Nos. 15, 16 and 17 relate to the on site treatment and disposal of effluent and require inter alia, that the treated effluent would be discharged to a polishing filter and that the installation of the system would be supervised and certified and that a maintenance contract for the system would be entered into.

- Conditions Nos. 26 and 27 relate to the setting back of the front boundary as per drawing received 28<sup>th</sup> July, 2017 and that the sight lines at the new entrance would comply with the requirements of DMRB (TD41-42/09).

### 3.2. Request for Further Information

Prior to issuing a Notification of Decision the Planning Authority requested further information on a number of issues as follows:

1. Detailed specification in a revised landscaping plan of the proposals for hedgerow removal both inside and outside of the red line boundary indicated in the application. Reference to provisions of Policy RH9 of the plan regarding the protection of local features including hedgerows and the fact that the removal of roadside hedgerow may indicate that the site is unsuitable for development.
2. Indicate the proposed rooflights on revised floor plans and to show the omission of the upper floor gable windows.
3. Indicate on a revised site layout plan (scale 1:500) the location of the proposed well and compliance with the requirements of the EPA Code of Practice for single houses, 2009.

The response submitted comprised the following:

1. A revised site layout plan with the extent of hedgerow removal proposed and the set back proposed. Stated that works will be in place prior to the commencement of building on the site. The submitted plan shows approximately 60 metres of hedgerow to be removed and consent from the adjoining land owner (parents) is submitted.
2. Revised plans showing the location of the rooflights and the omission of the gable first floor windows is submitted.
3. A revised site layout plan which indicates the location of the proposed bored well was submitted.

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

The initial planning officer report identifies some concerns with regard to the sightlines at the entrance and the extent of the front boundary proposed for removal. The design of the dwelling was also queried. Further information recommended. Second report subsequent to the response to further information states that no objection subject to conditions and a grant of permission consistent with the Notification of Decision to Grant Permission issued is recommended.

#### 3.3.2. Other Technical Reports

Environment Section – Initial report recommends further information regarding proposed bored well. Second report subsequent to further information states no objection subject to conditions.

Environmental Health – Initial report requests clarification regarding proposed water supply. Second report subsequent to further information request states that no objection subject to conditions.

Roads and Transport – No objections subject to conditions.

Water Services – No objections subject to conditions.

Area Engineer – No objections subject to conditions.

### 3.4. Prescribed Bodies

Irish Water – No objection (class 1).

### 3.5. Third Party Observations

None.

## 4.0 Planning History

The following planning history is of relevance to the case. These applications relate to applications on the same overall landholding as the subject site:

- Kildare County Council 09/820 – Permission granted to Jennifer Noons for the construction of a dormer dwelling and domestic detached garage with secondary effluent treatment system, private well and all associated site development works. This site is located to the east of the current appeal site on the same side of the road.
- Kildare County Council Ref. 03/982 – Permission granted to Padraig Noons for the construction of a dormer dwelling and garage. This site is located to the west of the current appeal site on the same side of the road.
- Kildare County Council Ref. 02/189 – Permission granted to Seamus and Margaret O'Donoghue for the construction of a two storey house, garage and septic tank. This site is located to the east of the appeal site.
- Kildare County Council Ref. 77/113 – Permission granted to Patrick Noons for the construction of a dwelling and septic tank. This dwelling is located on lands immediately to the west of the current appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the Kildare County Development Plan, 2017-2023. The site is located outside of any identified settlement.

The site is located in rural housing policy zone 1 as set out in section 4.12.6 of the Kildare County Development Plan, 2014-2020. Within Zone 1 applicants need to comply with the policy set out at 4.12.7 of the Plan. Applicants who are not engaged in farming must be able to show that they are a member of the rural community and satisfy one of three specified local need criteria.

**Policy RH 9** Ensure that, notwithstanding compliance with the local need criteria, applicants comply with all other normal siting and design considerations (Refer to Chapter 16 for further guidance) including the following:

(i) The location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings and the natural and cultural heritage of the area and respect the character of the area. Development shall have regard to Chapter 16 Rural Design Guidelines (and any subsequent changes to these guidelines) and Chapter 17 Development Management Standards.

(ii) Appropriate landscaping of proposed development using predominantly native species as per Table 17.2 of this Plan.

(iii) The protection of features that contribute to local attractiveness including; landscape features, hedgerows, trees, historic and archaeological landscapes, water bodies, ridges, skylines, topographical features, geological features and important views and prospects.

(iv) The capacity of the area to absorb further development. In particular, the following factors will be examined; the extent of existing development in the area, the extent of ribbon development in the area, the degree of existing haphazard or piecemeal development in the area and the degree of development on a single original landholding.

(v) The ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees. The need for the removal of extensive roadside hedgerow may indicate that the site is unsuitable for development.

Section 13.10.1 of the plan relates to trees woodlands and hedgerows.

Chapter 16 of the plan includes rural design guidance.

Development management standards are set out at Chapter 17 of the plan.

Paragraph 17.2.6 relates to soft landscaping and requires, inter alia, the submission of a detailed planting plan where hedges / trees are identified for removal and states that a requirement for a cash bond may be required to ensure completion of landscaping.



## 5.2. Sustainable Rural Housing Guidelines for Planning Authorities

State that development plans should facilitate the housing need of the rural community while directing urban generated housing to settlements. The guidelines state that the housing requirements of persons with a link to the rural area should be facilitated in the area it arises subject to normal siting and design requirements.

## 5.3. Natural Heritage Designations

There are no European sites located in close proximity to the appeal site. The closest such sites are the River Barrow and River Nore SAC site (site code 002162) located c. 9.5 km to the south of the site at the closets point, Mouds Bog SAC located c. 14km to the east and Pollardstown Fen SAC (site code 000396) located c.14.5 km to the south east.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the development would result in a serious loss of amenity to the area due to the removal of at least 14 mature trees that are detailed in the response to further information.
- There would be a detrimental effect on the natural environment from the loss of these trees. There are owls in the area that are known to nest in scotts pine.
- That the site and particularly the front boundary represents the townland boundary between Coolelan in Kildare and Coolygagan in Offaly. Policy GI 13 of the Kildare plan (section 13.10.1) states that it is policy to recognise the

biodiversity and archaeological importance of townland boundaries including hedgerows and promote their protection and retention.

- That the existing trees make the road the typical winding, narrow leafy Irish country lane. If permitted the development would be contrary to Policies GI 8 and GI 9 of the plan.
- That the removal of the trees from the site will have a negative impact on the amenity of the appellants who reside in the site opposite. The appellants operate a business exercising and training horses and will be negatively impacted by the loss of shelter from these trees.
- There would be a need to replace the existing all weather surface if the shelter from the trees is lost.
- The loss of the trees will depreciate the value of the appellants business and residence.
- That the development plan requires that existing mature trees would be replaced by a minimum of 5 semi mature specimens (section 17.2.6). This has not been achieved in the planting plan accepted by the Planning Authority. Condition No.6 attached by the Planning authority is inadequate. The site at 0.26 ha. is not large enough to accommodate the 70 replacement mature trees required.
- That the retention of existing trees and hedgerows required by Condition No.5 is unenforceable as there is no proper record / survey of the existing planting.
- That Ref. 09/820 on other family lands shows how inadequate replacement planting is. A cash bond as provided for under paragraph 17.2.6 of the plan should have been required.
- That the letter of consent to works required under the request for FI was not submitted by the appellants who are adjoining land owners.
- That the site is fundamentally unsuitable for development due to the restrictions on visibility and is contrary to Policy RH9(v) of the Plan.

- That local housing need has not been established. The EC has issued an infringement notice in 2007 against Ireland regarding the categorisation of local housing need on the basis that it is discriminatory.
- That the applicant has not resided in the local area during the 14 years that the appellants have lived there.
- That the applicants family own at least 20 ha. of other lands in the area. Contended that there are at least 9 other potential sites available in the local area which would not involve such significant loss of hedgerow / tree boundaries and impact on visual amenity, ecology and character.

## 6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That it is not entirely clear whether the objection relates to the removal of the front boundary or to the quality of the mitigation / replacement boundary. It would appear to be primarily the latter.
- It is suggested that a solution to the issues raised would be a requirement for the submission of a detailed landscaping plan for the written agreement of the Planning Authority.
- That the thinning or felling of trees is exempted development under s.4(1)F18(i) of the Planning and Development Act. There is therefore no clear basis to the argument of the appellant that the removal of trees is a planning matter.
- That both the roads department and area engineer had no objections to the proposed development.
- That Policy GI11 of the plan relating to the removal of hedgerows makes it clear that such removal is allowable subject to mitigation.
- That the site access is an existing historical access which was used to access the yard containing the shed structures.

- That the appeal is aimed at delaying the applicant in the construction of their new house.

The appeal response is also accompanied by a statement by the first party. The following points are made in the submission:

- That the site has a frontage of 31 metres of which 27 metres has the pine trees in question.
- That the appellant has sufficient screening on their own side of the road that the removal of the existing roadside boundary on the appeal site will not have an impact in terms of shelter.
- The appellants dwelling is well removed from the pine trees at the appeal site and does not directly face these trees.
- That contrary to the statement of the appellant, no trees have been removed from the site in recent times.
- That the planting proposed for the western site boundary will result in a total of 89 no. trees on the site.
- That the required letters of consent regarding the adjoining lands was submitted to the planning authority. It was confirmed by e mail with the area planner that these consents did not relate to third party lands outside of the area required for sightlines.
- That the applicant has connections with the local area going back four generations.
- That the balance of the family lands with road frontage is currently the subject of a long term lease.

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

The following is a summary of the main issues raised in the response received from the Planning authority:

- That the site is considered appropriate for development.

- The onus is on the applicant to comply with conditions attached to the permission relating to landscaping.
- That the Board is invited to amend Condition No.6 to accord with the landscaping arrangement received by the Planning Authority on 13<sup>th</sup> October, 2017.

#### 6.4. **Observations**

A number of submissions made by observers to the appeal were returned as invalid.

### 7.0 **Assessment**

7.1. The following are considered to be the most significant issues in the assessment of the subject appeal:

- Principle of development and compliance with rural housing policy,
- Site access and servicing,
- Visual and amenity impact and removal of roadside boundary,
- Appropriate assessment

#### 7.2. **Principle of Development and Compliance with Rural Housing Policy,**

7.2.1. The appeal site is located in a rural area outside of any identified settlement. The provisions of the council's rural housing policy as set out at 4.12 of the *Kildare County Development Plan, 2017-2023* are therefore applicable. The applicant in this case comes within the scope of *Category of Applicant 2*, being a member of the rural community. The documentation submitted with the application indicates that the applicant went to school in Rathangan and a copy of her birth certificate indicates that the family resided in Coolelan at that time. The first party has also submitted information that indicates that the lands on which the site is located have been in family ownership since the early 1900s and in the ownership of her father since 1973.

- 7.2.2. Having regard to the information presented, I am satisfied that the applicant is a member of the rural community on the basis of having immediate family ties with the local area. The parents of the applicant live on the site immediately to the west of the appeal site, and the applicant also has three siblings living in close proximity to the site. I am also satisfied that the applicant meets the local need criteria for rural housing zone 1 as set out at Table 4.3(b) of the development plan, being a person who has grown up and spent a substantial part of their lives (more than 12 years) in the local rural area.
- 7.2.3. I note the fact that the appellants have raised the issue of alternative sites that are in the ownership of the applicants family being available in the local area, and that these alternative sites would have a lesser impact in terms of visual amenity, character and ecology as they would not require the removal of such an extent of mature roadside vegetation. In response, the first party has stated that these alternative lands are the subject of long term lease for agricultural use and that the proposed site is most appropriate as it is not in agricultural use and is in close proximity to her parents dwelling. No details of the lease arrangement are submitted with the application, however the response of the first party is noted and it is taken that there are not currently alternatives sites available that the applicant is putting forward for consideration.
- 7.2.4. I note the reference in the third party appeal submission regarding the infringement notice issued by the EC in 2007 against Ireland regarding the categorisation of local housing need on the basis that it is discriminatory. This notice would appear to relate more to the ability of Planning Authorities to implement local housing need policies at all, and I do not see how it would lead to a conclusion that permission for the subject development should be refused.

### 7.3. **Site Access and Servicing,**

- 7.3.1. The access to the site is proposed to be via a new entrance that is proposed to be located at the western end of the site frontage in very close proximity to the existing vehicular access. The achievement of the required sightlines require the removal of the existing roadside boundary to the site in its entirety and the setting back of the site boundary by a distance of up to 4 metres from the existing roadside edge. The

achievement of the required visibility also requires works to the boundary to the adjoining property to the west which is in the ownership of the parents of the first party.

- 7.3.2. I note that written consent to the undertaking of such works has been submitted. I also note the comments of the third party appellant regarding the fact that they were not requested for their comments on the proposed set back of the boundary. However, as set out in the first party appeal response, the requirement for such consent relates solely to the owners of lands that would be directly impacted by works required to provide sight lines and not adjacent landowners on the opposite side of the road.
- 7.3.3. The works proposed result in the achievement of sightlines of 90 metres to the west and 60 metres to the east measured to the centreline of the road. Given the restricted width and alignment of the local road fronting the site which impacts on traffic speeds, and the limited levels of traffic on the road, I consider that these sight lines are acceptable.
- 7.3.4. The development is proposed to be served by an on site effluent treatment system with a sand polishing filter. The system proposed is a Eurotank BAF system and water supply is proposed to be via a bored well on site. Details of the proposed system were submitted with the application and the specification reflects the site conditions recorded in the Site Suitability Assessment. The results of this assessment indicate a P value of 31 and T value of 50. The groundwater response is R1 with a locally important aquifer of moderate vulnerability. The site assessment also indicates groundwater at 1.7 metres BGL and some evidence of mottling in the trial hole at a depth of up to 400mm BGL. The test results obtained are indicative of relatively slowly draining ground with evidence of a periodic high water level as indicated by the mottling. The use of a proprietary treatment system with a raised percolation area as proposed is considered to be appropriate given the ground conditions recorded in the site assessment and conditions observed on site.

#### 7.4. Visual and Amenity Impact and Removal of Roadside Boundary,

- 7.4.1. The main concern raised by the third party appellants relate to the impact of the proposed removal of the existing trees fronting the site in terms of visual amenity, ecology and the sheltering impact that they have on their property. The County Development Plan contains a number of references to the removal of boundary hedgerow on sites where accesses and sightlines are being provided or improved. **Paragraph 17.2.6** of the Plan states that planting and landscaping should be used to integrate new development into their surrounds. Where the removal of existing trees / hedges is proposed these are to be identified on drawings and detailed replanting proposals submitted incorporating replacement indigenous hedgerows and a minimum of five indigenous trees per tree felled. **Policy GI9** seeks to ensure the protection of existing networks of woodlands, trees and hedgerows in development and **Policy GI11** seeks to ensure that hedgerow removal to facilitate development is kept to a minimum and that where unavoidable that mitigation planting is required. **Policy RH 9** sets out a number of siting and design considerations to be taken into account in developments. These include landscaping using native species, the protection of features that contribute to local attractiveness including; hedgerows, trees, and historic landscapes, and (v) *'The ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees. The need for the removal of extensive roadside hedgerow may indicate that the site is unsuitable for development'*. There is therefore significant provision in the development plan for the protection and retention where possible of existing tree and hedgerow boundaries.
- 7.4.2. In the case of the subject site its development is not feasible without the removal of the existing roadside boundary including trees to facilitate sightlines. While Policy RH9 does make reference to the fact that the removal of significant extents of roadside hedgerow may indicate that a site is unsuitable for development, the circumstances of the appeal site are that there is already significant mature planting to the eastern boundary that will be retained in the development. The applicant has submitted proposals for the planting of the revised front boundary and it is suggested in the appeal response that the Board may consider a condition requiring the submission of a planting / landscaping plan for written agreement prior to the commencement of development. Given the fact that the applicant has a clear local



housing need and the fact that alternative sites on the landholding do not appear to be available I consider that it is appropriate that the realignment of the front boundary would be permitted in this case subject to the submission of a detailed landscaping plan for written agreement. The third party appellants question the ability of the revised landscaping plans to meet the requirements set out in paragraph 17.2.6 of the development plan regarding a 5 to 1 replacement ratio for trees lost as a result of development however this would appear to me to be capable of being met. Given the importance of the replacement planting from a visual amenity and ecology perspective, in the event that a grant of permission is issued it is recommended that a financial bond to ensure the completion of the agreed landscaping /planting plan would be required as provided for in paragraph 17.2.6 of the development plan. In the event of a grant of permission it is also recommended that prior to any works being undertaken and the submission of a landscaping plan that a tree survey would be undertaken with this survey forming the basis of the landscaping proposals to be submitted to the Planning Authority.

7.4.3. The third party appellants have also raised a number of issues with regard to the impact that the loss of the roadside trees on the appeal site would have on the amenity of their dwelling and business premises. With regard to the impact on their residential amenity, I note the fact that the appellant's house is not located directly opposite the appeal site and that the view of the trees location on the roadside boundary of the appeal site would therefore appear to be limited. The relationship between the appeal site and the appellant's lands is clearly illustrated in the appeal response prepared by the first party, Claire Noons. In addition, as also illustrated in the submission submitted by Ms Noons, the existing roadside boundary to the appellant's property is formed by a high mature hedge that limits views into and out of the appellant's property. For these reasons I do not consider that the proposed development would have any significant impact on the residential amenity currently enjoyed by the third party appellants.

7.4.4. The appellant's state that they operate a business involved in the exercising and training of horses and that this activity will be negatively impacted by the loss of shelter from the trees on the appeal site such that there would be a need to replace the existing all weather surface if the shelter from the trees is lost. Notwithstanding the fact that this all-weather surface area is located approximately opposite the

appeal site, it is my opinion that the screening afforded by the existing roadside boundary to the appellants property is such that it affords significant screening and that it is not reasonable that the appellants would rely on screening afforded by planting on third party lands. For these reasons I do not agree with the appellants that the loss of the trees will depreciate the value of their business and / or residence.

- 7.4.5. The design of the proposed dwelling was amended during the course of the assessment of the application by the Planning Authority and on foot of the further information requested. The scale and design of the proposed dwelling as indicated in the response to further information is considered to be acceptable.
- 7.4.6. I note the fact that Condition No.4 attached to the Notification of Decision issued by the Planning Authority specifies that the proposed garage is not permitted as the plans were not submitted with the application. No drawings relating to the proposed garage are on file and no such drawings have been submitted with the appeal response. In the event of a grant of permission it is therefore recommended that a condition omitting the garage from the grant of permission would be attached. As noted by the Planning Authority, it would be open to the applicant to apply to the planning authority for a garage at a future date and, depending on design and exact siting, it is likely that a garage could be constructed by way of exempted development.

## **7.5. Appropriate Assessment**

- 7.5.1. There are no European sites located in close proximity to the appeal site. The closest such sites are the River Barrow and River Nore SAC site (site code 002162) located c. 9.5 km to the south of the site at the closets point, Mouds Bog SAC located c. 14km to the east and Pollardstown Fen SA (site code 000396) located c.14.5 km to the south east.
- 7.5.2. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

## 9.0 Reasons and Considerations

Having regard to the location and characteristics of the site, to the pattern of development in the area and to the circumstances of the applicant, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 the further plans and particulars submitted on the 13th 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 garage is not included in this grant of permission and shall be omitted from the development.

**Reason:** In the interests of clarity and to enable a full assessment of this aspect of the proposed development.

3. 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.

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

**Reason:** In the interest of visual amenity.

5. 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.

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 following shall be complied with in the development:

(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 28th day of July, 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. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

8. 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 agreed landscaping scheme shall include the following:

- (a) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal;
- (b) A planting scheme indicated on 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 southern, western and northern boundary;
  - (ii) proposals for the planting of replacement trees along the northern site boundary. Proposals shall comply with the provisions of paragraph 17.2.6 of the Plan regarding replacement planting.
  - (iii) 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;
  - (iv) A timescale for implementation which shall provide for the planting of to be completed before the dwelling/building is first made available for occupation;

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.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the implementation of the agreed landscaping plan, the protection of trees to be retained on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the implementation of the agreed landscaping scheme, the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To secure the protection of the trees on the site.

10. The following shall be complied with in the development:
  - (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.

11. The developer shall pay to the planning authority a financial contribution of €6,800 (six thousand eight hundred 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.

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Stephen Kay  
Planning Inspector

31 May, 2018