



An  
Bord  
Pleanála

## Inspector's Report ABP-302134-18

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<b>Development</b>	Dwelling house, waste water treatment plant and associated site development works.
<b>Location</b>	Knocknagranagh, Dungarvan, County Waterford.
<b>Planning Authority</b>	Waterford City and Co. Council.
<b>Planning Authority Reg. Ref.</b>	18/312.
<b>Applicant</b>	Frances Connors.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant subject to conditions.
<b>Type of Appeal</b>	Third Party V. Grant.
<b>Appellant</b>	Dungarvan Golf Club.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> October 2018.
<b>Inspector</b>	Susan McHugh.

## 1.0 Site Location and Description

- 1.1. The appeal site is located approximately 3.8km to the east of Dungarvan Town, and approximately 42km west of Waterford City. It is situated along the Local Primary Road L3011, 600m to the south of the main Cork to Waterford N25 road, and 700m north of the village of Ballinroad.
- 1.2. The site forms part of a larger landholding in the applicant's family ownership located to the north and south of the N25. The existing family home is located on the northern side of the N25. The area is characterised by open countryside and forms part of the greenbelt surrounding Dungarvan Town.
- 1.3. The appeal site is located immediately north of the entrance to the Dungarvan Golf Club on the eastern side of L3011, which has a speed limit of 80km/hr.
- 1.4. It is bounded to the north and west by open grassland currently in use as grazing. The boundary to north is undefined, to the west the boundary is defined by a timber post and rail fencing. The eastern boundary is defined by a stone wall with an agricultural entrance gate from the L3011 to the site.
- 1.5. The southern boundary is planted and forms the boundary with the entrance roadway to the golf club, the third-party appellant to the current appeal. The appeal site is contiguous to the 10<sup>th</sup> green of the golf course.
- 1.6. The appeal site is roughly rectangular in configuration, is level and currently in grass, with stated area of 0.3125ha.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a two storey four-bedroom dwelling house with a stated floor area of 216.73sqm.
- 2.2. The proposed house has a pitched roof with a ridge height of 8.09m and a single storey dining room and sunroom to the rear with a ridge height of the 3.865m.
- 2.3. Finishes include painted render, with selected window and door detail, selected stone detail to east/front and south/side elevations at ground floor and selected blue/black roof slate/tile.

- 2.4. The proposed house is located approximately 34m from the southern site boundary with the entrance driveway to the golf course, and set back from the public roadway by approximately 16m.
- 2.5. The proposed vehicular entrance and driveway to the proposed house is to be located along the eastern boundary with the L3011 which is relatively straight.
- 2.6. It is proposed to provide an on-site waste water treatment plant with percolation area along the southern site boundary. It is also proposed to connect to the public water mains.
- 2.7. The application was accompanied by
- Supplementary application form for rural housing
  - Site Suitability Assessment Report and Characterisation Form

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was **granted** 26/06/2018 subject to 10 no. standard conditions.

Conditions of relevance to the current appeal include;

Condition 1. Proposed dwelling shall be set back 18m from the roadside boundary.

Condition 9. Boundaries.

*(a) 'All new site boundaries other than road and wing walls shall be constructed of a raised earthen berm measuring 1 metre in height and planted with native hedgerow species suitable to the local environment'. Prior to the commencement of work on the dwelling house the applicant shall submit photographic evidence of the completion of the road and site boundary works for the written approval of the Planning Authority'.*

*(b) 'Tree planting consisting of a mixture of indigenous trees at 5 metre centres shall be planted along the new site boundaries. The planting shall be carried out in the first planting season following the Grant of Permission. When planted the trees shall be adequately protected from damage by animals or wind. Any failures within 5*

*years shall be replaced and the trees allowed to grow to maturity. A certificate of compliance with this condition shall be forwarded to the Planning Authority upon completion of planting. The certificate shall be signed by a horticulturist or other approved professional.*

*Reason: In the interests of visual amenity and preservation of the natural character of the area.'*

Condition 10. Occupancy condition.

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

#### **3.2.1. Planning Report (dated 21/06/2018)**

Basis for planning authority decision. It includes;

- Applicant deemed to comply with housing need criteria as applies to the rural housing policy within the Green Belt area.
- Sightlines have not been illustrated and will likely necessitate some setting back of the adjacent hedge, particularly to the north, which form part of the family landholding.
- Percolation tests recorded a t-value of 41 denoting good subsoil drainage, and are acceptable for on-site waste water treatment.

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

**Transportation Dungarvan Lismore:** No report received.

**Building Control Officer:** No report received.

### **3.3. Prescribed Bodies**

**Office of Public Works:** No report received.

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

One third party objection was received by the planning authority has been forwarded to the board and is on file for its information. The issues raised are comparable to those raised in the third-party appeal summarised in section 6 below.

## **4.0 Planning History**

None.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. On 1<sup>st</sup> June 2014, Waterford City & County Council was established following the amalgamation of Waterford City Council and Waterford County Council.
- 5.1.2. The three existing development plans within the amalgamated Council area, Waterford City Development Plan 2013 – 2019, Waterford County Development Plan 2011 – 2017, & the Dungarvan Town Development Plan 2012 – 2018, had their lifetime extended, as per Section 11A of the Planning & Development Act 2000 (as amended) and remain in effect until the new Regional Spatial & Economic Strategy is made by the Southern Regional Assembly, thereafter a new City and County Development Plan will be prepared.
- 5.1.3. The Waterford County Development Plan remains current until it is replaced by a new County Development Plan by virtue of the provisions of the Electoral, Local Government and Planning and Development Act 2013.

### **5.2. Waterford County Development Plan 2011-2017**

- 5.2.1. The Waterford County Development Plan 2011-2017 is the overarching policy document in relation to planning in the County area, and includes the Dungarvan Environs zoning map.

5.2.2. The appeal site is located in an area zoned **Green Belt** with the stated objective '*To provide for a green belt area as a clear physical demarcation to the adjoining urban area, to provide for the development of agriculture and to protect and improve rural amenity and to restrict residential development*'. (See map attached).

5.2.3. **Chapter 3** refers to *Core Strategy* and identifies Dungarvan as a Primary Service Centre within the County settlement hierarchy.

The county is divided into three broad categories;

1. Areas Under Urban Pressure
2. Stronger Rural Areas
3. Structurally Weak Rural Areas

5.2.4. The *Rural Area Types Map* which is also included in Appendix A3 identifies the subject site as being located within an 'Area Under Urban Pressure'. (See map attached).

5.2.5. **Chapter 4** refers to the *County Settlement Strategy*, illustrated in Appendix 11 (see map attached).

**Section 4.8** refers to Rural Housing Policy

The Council's aim is to

- '*Minimise the amount of sporadic speculative development which would be more appropriately located on serviceable lands in towns and villages; and*
- '*Meet the genuine housing need of rural people and their families who have strong ties to a particular locality and to those who need to reside in rural areas for employment, economic and social reasons subject to the applicant demonstrating a Genuine Local Housing Need.*'

**Section 4.9.1** refers to 'Areas Under Urban Pressure'.

**Policy SS3** '*To cater for the housing requirements of members of the local rural community who have a genuine local housing need in areas under urban pressure as set out in the Criteria in Section 4.10.*'

**Policy SS4** '*To direct urban generated housing development in Areas Under Urban Pressure into the adjoining zoned settlements.*

**Section 4.10** refers to 'Genuine Local Housing Need'.

Housing Need criteria includes 'A farm owner or an immediate family member (son, daughter, mother, father, sister, brother, heir) wishing to build a permanent home for their own use on family lands.'

**Section 4.11** refers to Green Belt and Buffer Zone Restrictions.

**Policy SS9** 'To restrict development within the Green Belt zones surrounding towns and villages to <sup>3</sup>landowners and immediate family members only building a permanent dwelling for their own use'.

<sup>3</sup>Landowners are considered to be persons who have owned the land prior to the 4th of March 2004.

**Policy SS10** 'To restrict development within a buffer zone of 400m (for Settlement Nodes and Local Service Centres) and 750m (for all higher order settlements), measured from the edge of the settlement boundary, to landowners and immediate family members only building a permanent dwelling for their own use. This policy shall not apply north of the Military Road and along the Gold Coast Road (area zoned agriculture) in the Dungarvan Environs zoning map.

5.2.6. **Chapter 5** of the plan refers to Housing.

**Section 5.1** sets out Housing Policy

**Section 5.9** sets out Housing Design Guidelines

5.2.7. **Chapter 11** of the plan refers to Development Standards.

### 5.3. **National Policy**

#### 5.3.1. **National Planning Framework**

National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, it refers to the need to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

### 5.3.2. Sustainable Rural Housing Planning Guidelines

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural typologies are identified including 'stronger rural areas' which are defined as those with generally stable population levels within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas.

Examples are given to the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

The appeal site is identified as being in an 'Area under Strong Urban Influence'. (See map attached).

### 5.4. Natural Heritage Designations

The following designated European sites are located within 15km of the appeal site.

Location	Designation	Site Code	Distance
Dungarvan Harbour	SPA	004032	180m S
Glendine Wood	SAC	002324	700m N
Mid Waterford Coast	SPA	004193	6 km E
Helvick Head to Ballyquin	SPA	004192	6.3km S
Blackwater River (Cork/Waterford)	SAC	002170	9.5km SW



## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal was lodged by Dungarvan Golf Club against the decision of the planning authority to grant planning permission. The issues raised can be summarised as follows;

- No objection in principle to the proposed development.
- Concerned that Dungarvan Golf Club or their members may be subject to legal action in the future, due to stray golf balls entering the proposed development, causing damage or injury.
- Contend that a suitable protective fence and buffer zone is required as a safety measure, in order to avoid problems in the future,
- Applicant should be required to plant suitable trees in the buffer zone, to ensure their long-term safety and security.
- Assert that Waterford County Council failed to protect the Clubs interests, in the conditions outlined in the grant of permission.
- Request in the event of a grant of permission that a condition be attached that a suitable barrier, buffer zone and tree planting be provided in the interest of health and safety, and to protect against golf balls entering the property.

### 6.2. Applicant Response

6.2.1. Patrick O'Hanlon, Hogan Architecture and Urban Design on behalf of the applicant made a response to the third-party appeal.

- Welcomes confirmation from the appellants that they have no objection and states that the applicant has no intention of interfering with the golf club facilities.
- Dispute the assertion that the planning authority did not have due regard to the third-party submission.
- A risk assessment was carried out prior to locating the proposed dwelling on the site, which concluded that there was a low risk of shots regularly entering

the site. This is due to a number of risk factors including; that the risk to the application site is not from tee shots, that the roadway is out of bounds, the centre of the green is roughly in line with the rear/western boundary of the site and therefore shots are more likely to land rather than being mid-flight, that 90% of golfers are right handed which means they expect the majority of shots to curve away from the site.

- To mitigate any potential risk the dwelling is positioned as close as possible to the northern boundary of the application site (c.70m from the green).
- The applicant confirms that her family farm their lands intensively and at no time have golf balls been found on the application site or on their lands. Note that the golf club boundary consists of screening which is almost 3 metres in height and that the trees surrounding the green are now over 10 meters tall. This additional growth has further reduced the risk of golf balls entering the applicants site.
- Despite offering to plant additional screening on the boundaries of the application site by way of condition the planning authority agreed with the findings of the Risk Assessment and did not require that additional screening be provided.
- Notwithstanding, the applicant is amenable to a condition being applied requiring supplementary screen fencing/planting being provided along the boundary with the Golf Club if the Board deem necessary.

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

Note that a planning condition was attached requiring the undertaking of planting along the boundaries of the site, that they have no objection to the inclusion of a further condition requiring a suitable protective fence, buffer zone and additional planting on the site. It is also noted that the lands adjoining the site form part of the applicant's family landholding, within which a buffer zone and additional planting could also be provided.

## 6.4. Observations

None.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Environmental Impact Assessment and Appropriate Assessment also needs to be considered. The issues are addressed under the following headings;

- Compliance with Rural Housing Policy
- Design and Visual Impact
- Safety Issues
- Access and Road Safety
- Foul Drainage
- Environmental Impact Assessment
- Appropriate Assessment

## 7.2. Compliance with Rural Housing Policy

- 7.2.1. The current settlement strategy for Co. Waterford is clearly set out in the County Development Plan (2011-2017) and summarised in section 5.2 above.
- 7.2.2. The appeal site is located in a rural area designated as an 'Area Under Urban Pressure'. It is located 700m outside the settlement node of Ballinroad and approximately 3.8km east of Dungarvan which is designated as a Primary (County) Service Centre in the County settlement hierarchy. The site is also located within an area designated as Green Belt, in the Dungarvan Environs zoning map, and immediately adjoins Dungarvan Golf Club which is zoned Open Space.
- 7.2.3. Clear policy is set out at both a national and local level regarding rural housing need. The 'Sustainable Rural Housing Guidelines for Planning Authorities' actively seeks to direct pressure for new residential development to the nearby established settlements. National Policy Objective 19 of the National Planning Framework (NPF)

refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. National Policy Objective 19 also refers to the need to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

- 7.2.4. Section 4.9.1 of the county development plan seeks to accommodate proposals for individual rural or urban generated permanent residential development in 'Areas Under Urban Pressure' subject to criteria in relation to genuine local housing need.
- 7.2.5. Policy SS4 seeks to direct urban generated housing development in Areas Under Urban Pressure into the adjoining zoned settlements.
- 7.2.6. Section 4.10 of the plan refers to genuine local housing need criteria which includes 'A farm owner or an immediate family member (son, daughter, mother, father, sister, brother, heir) wishing to build a permanent home for their own use on family lands.' Section 4.11 of the county development plan places further restrictions on development in areas zoned Green Belt and Buffer Zone.
- 7.2.7. The applicants have indicated in their application that they -
- Currently live in the family home with an address at Cloncoskraine, Dungarvan.
  - Have always lived in Cloncoskraine with her parents, apart from attending college and a few years abroad.
  - Her family have farmed in the area since 1958.
  - Acquired the site from her mother Catherine Connors in March 2018. Letter from solicitor and OS map indicating family landholding attached.
  - Currently work in Ferrybank Dental Practice, 49 Fountain Street, Ferrybank, Waterford as an Associate Dentist in a permanent capacity since May 2017, letter attached.
  - Work part time in farming, and studied agriculture in college.
  - Wish to reside close to her mother and siblings' families.

- 7.2.8. I am satisfied that the applicant has demonstrated close family ties with the area and accept that they wish to build a permanent home for their own use on family lands.
- 7.2.9. I am therefore, satisfied on the basis of the information on file that that the applicant has submitted adequate evidence to demonstrate a genuine local housing need in compliance with the Rural Housing Policy set out in the current Development Plan.
- 7.2.10. Having regard to the location of the subject site in an 'area under urban pressure' and proximity to the County Town of Dungarvan and settlement node of Ballinroad, the proposed development must also be assessed under national planning policy guidance as set out in National Policy Objective 19 of the National Planning Framework (NPF) and the Sustainable Rural Housing Guidelines. These policies refer to the necessity to demonstrate a functional economic or social requirement for housing in areas under urban influence.
- 7.2.11. I am satisfied, that the current proposal complies with Objective 19 of the NPF, and the guidance set out in the Sustainable Rural Housing Guidelines.
- 7.2.12. I recommend, therefore, that planning permission be granted on this basis.

### **7.3. Design and Visual Impact**

- 7.3.1. In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the subject site is located within a designated green belt.
- 7.3.2. With regard to the specifics of the actual design and siting of the proposed development, the submitted proposal involves the construction of a conventionally designed two storey dwelling house which is sited within the northern part of a larger agricultural field. It is also proposed to undertake a significant landscaping programme on site which have the effect of further reducing the overall visual impact of the proposal when viewed in a local context. I note that the proposed house is to be set back approximately 16m from the public road and that the planning authority required that the proposed house be set back a further 2m, which I consider reasonable.

7.3.3. Having regard to the foregoing, and in light of the site context, on balance, I am satisfied that the submitted proposal is generally acceptable and will not unduly detract from the visual amenity or scenic quality of the surrounding area.

#### 7.4. **Safety Issues**

7.4.1. The appellants have raised the risk of stray golf balls from the golf course entering the subject site, causing damage or injury to property or the occupants of the proposed dwelling house.

7.4.2. In response to issues raised by the third party the planning authority required certain landscaping works to be carried out along the site boundaries of the subject site by way of condition no. 8. In response to the third party appeal the applicant and the planning authority have indicated that they would have no difficulty with further protective measures being put in place to address the safety concerns outlined in the third-party appeal.

7.4.3. In particular, the applicant has indicated that additional planting and fencing along the boundary with the golf course could be conditioned. The applicant has set out in some detail their assessment of the associated risk, taking account of a number of individual factors.

7.4.4. In my opinion, given the location of the nearest green, the intervening existing semi mature planting and access roadway and existing planting along the southern boundary of the appeal site that the risk of stray balls entering the site are low. I understand the concerns of the third party, but am satisfied that the siting of the proposed house 34m from the southern boundary has had due regard of the relationship with and associated risks relating to the adjoining golf course.

7.4.5. On the morning of my site inspection I did not observe any stray golf balls on site, and note the mitigating factors outlined by the applicant in their assessment of the associated risk. I am therefore, satisfied that the risk of stray golf balls entering the subject site is low, and that the proposed planting along the southern boundary of the appeal site is appropriate.

7.4.6. I do however, note the genuine concerns of the Golf Club on behalf of their members and the willingness of the applicant and response from the planning authority to

provide additional screening. This can be dealt with by way of an appropriate condition.

## **7.5. Access and Road Safety**

- 7.5.1. The appeal site has a road frontage along the of L3011 of approx. 55m. It is proposed to create a new splayed vehicular entrance from this local road to serve the proposed dwelling, where a speed limit of 80kmph applies. The applicant has indicated that sightlines of 160m in both directions, can be provided. I also concur with the assessment of the planning authority in that while some setting back of the adjacent hedge to the north may be required, this can be achieved as it forms part of the family landholding. This would be acceptable and in accordance with the standards as set out in the Design Manual for Roads and Bridges (DMRB).

## **7.6. Foul Drainage**

- 7.6.1. It is proposed to provide a Biovast waste water treatment system and percolation area on the southern part of the site next to the entrance to the Golf Club.
- 7.6.2. The Site Characterisation Form on file indicates a groundwater protection response of R1, i.e. acceptable subject to normal good practice. The T test result is 41.17, which is suitable for a septic tank but may also be suitable for a secondary treatment system with a polishing filter at the depth of the T-test hole. The soil type is silty clay and cobbles, with the water table not encountered at a depth of 3m below ground level. On inspection of the site the trial hole tests were open and did not contain any water.
- 7.6.3. It is also noted that a mains water supply is in place and no wells are located in close proximity to the site.
- 7.6.4. The location of the proposed waste water treatment system, polishing filter and percolation area and site conditions are in accordance with the EPA Code of Practice Waste Water Treatment and Disposal Systems serving Single Houses (EPA 2009), and would not be prejudicial to public health.
- 7.6.5. Having regard to the above, I am satisfied that the proposed waste water treatment system and percolation area are acceptable.

#### 7.6.6. **Environmental Impact Assessment**

- 7.6.7. Having regard to the nature of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### 7.7. **Appropriate Assessment**

- 7.7.1. The nearest designated European site is Dungarvan Harbour SPA Site code 004032 located 180m to the south. Based on the source-pathway-receptor approach, direct effects are ruled out as there is no hydrological or other links identified. I also note in relation to foul drainage the proposed waste water treatment plant and percolation area and site conditions which do not give rise to appropriate assessment issues.
- 7.7.2. Having regard to the nature and scale of the proposed development the intervening distances and to the lack of a hydrological connection, it is not considered that the proposed development would be likely to have significant a significant effect individually or in combination with other plans or projects on a European site.

### 8.0 **Recommendation**

- 8.1. I recommend that permission be granted for the following reasons and considerations.

### 9.0 **Reasons and Considerations**

Having regard to the “Sustainable Rural Housing, Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, and to the location of the site in a ‘Rural Area under Strong Urban Influence’ as defined in the current development plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to



public health. 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, 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 interests of clarity.

2. The proposed dwelling shall be set back 18m from the public roadway, revised details shall be submitted to and agreed in writing with the planning authority.

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

3. The roof colour of the proposed house shall be blue-black, black dark brown or dark-grey. The colour of the ridge slate/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. (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.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

7. 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.

8. (a) The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an

angle of not less than 45 degrees and shall not exceed one metre in height.

(b) The existing front boundary shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

(c) That section of the front boundary which is to be removed and reinstated in a recessed position shall match the remainder of the existing roadside boundary ditch, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and visual amenity.

9. (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.

10. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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

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

- 12. (a) The carriageway of the public road shall not be raised, lowered or otherwise altered at its junction with the access driveway to the proposed dwelling.
- (b) The gradient of the access driveway shall not exceed 3% for the first seven metres adjacent to the carriageway of the public road.

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

- 13. 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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Susan McHugh  
Planning Inspectorate

6<sup>th</sup> December 2018