



An
Bord
Pleanála

Inspector's Report ABP303366-19

Development	Construction of a house, garage and domestic wastewater treatment system.
Location	Na Tuairini, Maigh Cuilinn, Co. Na Gailimhe.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	18/1202.
Applicant	Louise Jackson.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	Sean Heffernan.
Observers	None.
Date of Site Inspection	21 st March, 2019.
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	3
4.0 Planning Authority's Decision	4
4.1. Decision	4
4.2. Documentation Submitted with Planning Application	4
5.0 Planning History.....	6
6.0 Grounds of Appeal.....	7
7.0 Appeal Responses.....	8
8.0 Development Plan Provision.....	9
9.0 Planning Assessment	10
10.0 Conclusions and Recommendation.....	14
11.0 Appropriate Assessment	14
12.0 EIA Screening Assessment.....	15
13.0 Decision	15
14.0 Reasons and Considerations	15
15.0 Conditions	16

1.0 Introduction

ABP303366-19 relates to a third-party appeal against the decision of Galway County Council to issue notification to grant planning permission for the construction of a dwellinghouse, garage and wastewater treatment system at a rural site outside the village of Moycullen, north-west of Galway City. The grounds of appeal argue that the decision of the Planning Authority should be overturned on the basis that the proposed dwellinghouse will give rise to loss of privacy and will result in an overconcentration of on-site wastewater treatment systems.

2.0 Site Location and Description

- 2.1. The appeal site is located approximately 3½ kilometres to the south-east of the village of Moycullen. Moycullen is located on the N59 National Secondary Route linking Galway City to Clifden. The site is approximately 200 metres west of the local road linking the N59 to the north to the village of Barna c.7 kilometres to the south. The general area is characterised by large scale ribbon development. However, with the exception of a dwellinghouse to the immediate north-west of the subject site, lands surrounding the appeal site are undeveloped. The appeal site is accessed via a narrow local road which runs north-westwards from the Barna/N59 Road the junction of which is located approximately 100 metres to the south-east. The site is rectangular in shape and forms part of a field which is currently under grass. The stated area of the site 0.2 hectares. The site slopes slightly downward northwards and eastwards from the access road towards the rear. There are no dwellings on contiguous lands with the exception of a dwelling which is located on a similarly sized site to the north-west of the appeal site. This dwelling (the appellant's) is located on slightly elevated lands above the appeal site. Dense thick hedgerows run along the roadside boundary of the site.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a two-storey dwellinghouse comprising of living accommodation at ground floor level and three bedrooms,

including one en-suite, a bathroom and storage area at first floor level. The first-floor level is to be located within the roof pitch of the dwellinghouse. The dwellinghouse is setback to the rear of the site,

- 3.2. The proposed house is approximately 40 metres from the road boundary. The dwellinghouse is to occupy an area of 200 square metres and is to rise to a ridge height of 7.355 metres. The building will face south-eastwards onto the access road. It is also proposed to construct a single-storey garage (with a gross floor area of 48 square metres) to the rear of the house. A proposed wastewater treatment plant and percolation area is to be located to the rear of the garage near the rear boundary of the site. The proposed entrance into the site is to be centrally located along the road frontage.

4.0 **Planning Authority's Decision**

4.1. **Decision**

- 4.1.1. Galway County Council issued notification to grant planning permission for the dwellinghouse subject to 13 standard conditions.

4.2. **Documentation Submitted with Planning Application**

- 4.2.1. The application was accompanied by planning application form, public notices, planning application fee and associated drawings. Also submitted was a covering letter from ETM Chartered Engineers Limited stating that the applicant is a member of a local rural family. The applicant's family home is located less than 2 kilometres to the north of the application site. There are no family lands available to the applicant to locate the proposed dwellinghouse. The applicant is employed in the local primary school, c.300m to the south of the application site. Details are submitted confirming this.
- 4.2.2. Also submitted is a Site Suitability Assessment Report. It notes that the subject site is located in an area where the aquifer is classed as being of extreme vulnerability. A trial hole to a depth of 2.65 metres was excavated on site. The soil structure within the trial hole was described as granular and a T-value of 7 was encountered. It is recommended therefore that a package wastewater treatment system and polishing

filter be constructed on site with discharge to groundwater. Also submitted is a rural housing need form. It states that the applicant is from the area and hopes to purchase the lands in question as she currently works and resides in the area. It is also stated that the applicant grew up in the area.

- 4.2.3. On 14th September, 2018 the applicant submitted unsolicited additional information which incorporated a revised house type drawing for which planning permission is sought.
- 4.2.4. A letter from the current appellant was submitted objecting to the proposed development; the contents of which have been read and noted.
- 4.2.5. The initial planner's report provides details of the proposal including its location. The report concludes that 'sightlines are considered favourable towards facilitating a development of this nature'. It is also noted that the site in question appears to be free draining and the system proposed is in accordance with the EPA Code of Practice. Water supply is to be obtained from the public mains. It is also stated that the Planning Authority is satisfied with the design of the dwelling and garage and is acceptable in an area designated as Class 2 Landscape. However, some concern is expressed with regard to the relationship between the dwellinghouse and the dwelling located to the immediate west primarily on the grounds that the proposed dwellinghouse is approximately 3.7 metres lower than the existing dwelling. The orientation of both dwellings may also result in some loss of privacy and amenity.
- 4.2.6. Finally, it is stated that, on the basis of the details submitted, the Planning Authority are satisfied that the applicant has demonstrated intrinsic links with the area and therefore complies with relevant policies set out in the development plan with regard to housing need.

4.3. **Further Information Request**

- 4.3.1. On foot of the initial assessment by the Planning Authority, the following information was requested.

The Planning Authority have concerns with regard to the relationship of the dwellinghouse as proposed with the existing dwellinghouse to the immediate west from a privacy/residential amenity perspective. The applicant is therefore requested to submit the following to assist the Planning Authority:

- A clear and detailed section through the adjoining dwellinghouse to the immediate west, clearly indicating the relevant levels, including finished floor levels of both the existing and proposed dwellinghouse together with any landscaping provision to ensure that there will be no loss of privacy/amenity between both properties.
- The applicant is requested to submit a contiguous elevation to clearly detail the relationship between the dwellinghouse as proposed and the existing dwellinghouse to the west.

4.4. **Further Information Submission**

- 4.5. Further information was submitted on 1st November 2018 and this included cross sections through the site showing a contiguous elevation and relationship of the proposed dwellinghouse to the existing dwellinghouse. It is noted that the first floor of the proposed dwelling is approximately 1 metre below the ground floor level of the existing house. It is considered that there will be no significant loss of privacy/amenity between the properties taking account of the difference in levels between the existing and proposed dwellinghouse. It is noted that Condition No. 9 of planning permission Reg. Ref. 14/349 (the grant of permission for the adjoining dwelling house), requires boundary landscaping to be carried out and this landscaping, when completed, will further reduce the potential for any loss of amenity/privacy.
- 4.6. A further planner's report concluded that, on foot of the further information received, the Planning Authority are satisfied that a dwellinghouse as proposed would not result in a loss of privacy/amenity between both the existing and proposed property. It is therefore recommended that planning permission be granted for the proposal.

5.0 **Planning History**

- 5.1. There appears to be no planning history associated with the appeal site.
- 5.2. Relevant planning history associated with the area is set out in the planner's report. It is noted that under Reg. Ref. 14/349 planning permission was granted for a new dwellinghouse and wastewater treatment plant on lands to the immediate west of the

site. Details of other planning applications which were both refused and granted for dwellinghouses in the wider area are set out on page 2 of the planner's report.

6.0 Grounds of Appeal

- 6.1. The decision of Galway County Council to issue notification to grant planning permission was the subject of a third-party appeal by Sean Heffernan, the resident of the adjacent dwellinghouse to the north-west of the subject site. It notes that the townland of Tooreeny (from which the subject site is located) is an area under pressure for one-off housing. The site is located on a hillside location.
- 6.2. It is stated that the appellant submitted an objection to the Planning Authority and concerns in relation to the impact on the appellant's privacy was effectively ignored. The applicant was not requested to amend plans in any way to address the appellant's concerns. It is further stated that the applicant intends to complete the permitted landscaping granted in the case of his own application within the life of the planning permission. The landscaping proposed along the south-east boundary comprises of a modest mixed hedgerow and this was designed for aesthetic reasons and was not to function as a privacy screen. The layout and orientation of the appellant's dwelling are contextually designed to maximise passive solar gain and natural light from the south-east. The first-floor gable window will directly overlook the appellant's property and this is deemed to be completely unacceptable.
- 6.3. It is also noted that the subject site is underlain by granite with an extreme groundwater vulnerability rating. There is already a high concentration of aging septic tanks and percolation areas within a very localised area. It is very likely that effluent from the septic tank would flow east into a local stream which in turn flows into the Lough Corrib. There is therefore a risk that the proposed development will contribute towards cumulative adverse effects on groundwater quality in the area. It is noted that there is a high concentration/high density of one-off houses in the area. The Galway County Development Plan is mindful of the needs to protect groundwaters. It is therefore the appellant's considered opinion that the proposal for an additional house should be refused when taking in conjunction with existing development in the vicinity would result an excessive concentration of on-site effluent treatment units and would therefore be prejudicial to public health.

7.0 Appeal Responses

7.1. Planning Authority Response to Grounds of Appeal

- 7.1.1. It appears that Galway County Council have not submitted a response to the grounds of appeal.

7.2. Applicant's Response to Grounds of Appeal

- 7.2.1. A response was received on behalf of the applicant by Stephen Dowds, Town Planning Consultant.
- 7.2.2. In relation to loss of privacy, it is argued that the Council give careful consideration to the issue and sought further information including a detailed sectional drawing showing the relationship between the two houses together with a contextual elevation. It is noted that the proposed dwellinghouse has a finished floor level of 3.7 metres below the existing house to the north-west. It is therefore a full storey lower which will greatly reduce the potential for overlooking. A modest level of planting will address this issue. The separation distance between the proposed dwelling and the boundary is just less than 8 metres and this is a significant generous setback. The landscaping which is required to be carried out by the appellant should be more than enough to overcome any privacy concerns having regard to the elevation differences between the two houses. It is unreasonable for the appellant to object to the proposal on the grounds that they have yet to complete their own development in accordance with the plans and particulars lodged.
- 7.2.3. With regard to wastewater, it is stated that the appellants were happy to contribute towards the numbers of septic tanks in their area in the context of their own application but now complain that there are too many. A detailed site characterisation assessment was carried out and the results accompany the application. It is noted that the appeal does not challenge any aspect of the report and in fact does not even refer to it. It is contended that the site has been the subject of a normal assessment indeed the same assessment that was carried out on the appellant's own site. A trial hole of 2.65 metres was opened, and neither bedrock

nor groundwater was encountered. A percolation test was also undertaken which passed the percolation test.

- 7.2.4. For these reasons it is respectfully submitted that the Planning Authority uphold the decision of the Council and grant planning permission for the development before it.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Galway County Council Development Plan 2015-2021.

- 8.2. The appeal site is not governed by any land use zoning provision. The site is located within the Galway Transportation Planning Study Area and is therefore categorised as an area under 'strong urban influence' as per the application of criteria under rural housing guidelines. Policies in relation to rural housing are set out in Section 3.7 of the Galway County Development Plan 2015 – 2021. Under Rural Housing Policy Objective RHO1, it is stated that it is an objective of the Council to facilitate rural housing in the open countryside subject to the following criteria:

- (a) Those applicants with rural links to the area through longstanding existing and intermediate family ties seeking to develop their first home on existing family farm holdings. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and it will be assessed on a case by case basis.
- (b) Those applicants who have no family lands but wish to build their first home within the community in which they have longstanding rural links and where they have spent a substantial continuous part of their lives i.e. of growing up in the area, schooled in the area and have immediate family connections in the area i.e. son or daughter of longstanding residence in the area. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Having established a substantiated rural housing need, such persons making an application on a site within an 8 kilometre radius of their original family home will be accommodated, subject to normal development management criteria and provided the site does not encroach into the urban fringe of the towns of Gort, Loughrea, Athenry or Tuam. Documentary

evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

- 8.3. The site is also located in an area that is designated as Landscape Category 2 (where 1 is the least sensitive and 5 is the most sensitive).
- 8.4. DM Standard 7 sets out site sizes for single houses using individual on-site wastewater treatment systems. A minimum site size of 2,000 square metres is generally required for a single house so as to provide for adequate effluent treatment, parking, landscaping, open space and maintenance for rural amenity. For house sizes greater than 200 square metres, the site size shall be increased by 10 square metres for each square metre of house area above 200 square metres. Special consideration will be given to existing houses and to proposed developments that can demonstrate rural housing need and comply with the EPA Guidelines where the minimum size is not totally achievable.
- 8.5. **Natural Heritage Designations**

There are 9 designated Natura 2000 sites within a 15 kilometre radius of the subject site. The closest site and therefore most likely to be potentially affected by the proposed development is the Lough Corrib SAC (Site Code: 000297). At its closest point this European site is located just less than 1 kilometre to the north of the subject site on the northern side of the N59.

9.0 **Planning Assessment**

I have read the entire contents of the file, visited the site and its surroundings and have had particular regard to the issues raised in the third-party appeal. I consider the critical issues in determining the current application and appeal before the Board are as follows:

- Principle of Development/Housing Need
- Residential Amenity and Privacy Issues
- Suitability of the Site to Accommodate an On-Site Wastewater Treatment System

9.1. Principle of Development/Housing Need

- 9.1.1. With regard to the issue of housing need I am satisfied, based on the information contained on file, and the documentation submitted with the application, that the applicant in this instance would satisfy the criteria set out under rural housing policy objective RH01. While the lands in question do not appear to be under the applicant's family's ownership, it is clear that the applicant and her family have strong rural links with the area with the family home located c.2 kilometres from the subject site in the townland of Clooniff. It is also clear that the applicant grew up in the area and was a pupil at the local national school. Perhaps most importantly the applicant in this instance is currently employed at the same local school and therefore in my opinion has demonstrated a need to live locally in the area together with having strong local links in the area.
- 9.1.2. The applicant therefore, in my view, fully complies with the criteria set out in Section B of Policy Objective RH01 in that she has longstanding rural links and has spent a substantial continuous part of her life growing up in the area including being schooled in the area and also has immediate family connections with the area. As the applicant also currently works in the area as a primary school teacher, it is appropriate in terms of sustainable transportation arrangements and in terms of building strong sustainable communities, that the applicant be given the opportunity to live close to her place of work. I am therefore satisfied that a housing need has been demonstrated and is in compliance with the criteria set out in the development plan for such need.
- 9.1.3. Finally I note that the question of rural housing need was not challenged in the grounds of appeal.

9.2. Residential Amenity and Privacy Issues

- 9.2.1. The grounds of appeal raise concerns that the location of the proposed dwelling will adversely impact on the appellant's amenity due to privacy and overlooking issues. The Board will note from the local authority planner's report and the site inspection photographs that there is a significant differential in height between the appellant's dwelling and the applicant's dwelling. This differential is estimated to be 3.7 metres as per the drawings submitted with the application. As the appellant's dwelling is

higher than the applicant's dwelling the potential for overlooking is greater from the appellant's dwelling into the applicant's dwelling as opposed to vice versa.

- 9.2.2. It is pointed out in the applicant's response to the grounds of appeal, that Condition No. 9 attached to permission Ref. 14/349 (appellants permission) required that landscaping will be carried out in accordance with details indicated on the site layout plan. The site layout plan also indicates that a mixed indigenous hedgerow would be planted along the common boundary between the two sites. There is no indication how high the hedgerow could be. The appellant has however indicated that such a hedgerow will be planted in accordance with the requirements of the permission.
- 9.2.3. The Board will note from the photographs attached that there is a total of six windows on the south-eastern elevation of the appellant's dwelling four of which are located at ground floor level. The Galway County Council website indicate that the windows along the south-east elevation of the site serve a kitchen and dining room and two bedrooms at ground floor level and a sitting room at first floor level. With the incorporation of a hedgerow along the common boundary together with the differential in finished floor levels, I am satisfied that the screening along the common boundary will ensure that no direct overlooking will occur from the applicant's house to the windows of the appellant's house at ground floor level. At first floor level two windows serve a sitting room. I acknowledge that there is the potential for direct overlooking from the appellant's dwelling to the sitting room in question particularly from first floor level of the applicant's house. The Board will note that the separation distance between both dwellings is in excess of 20 metres and this is a sufficient separation distance to ensure that no significant or direct overlooking will take place.
- 9.2.4. Perhaps of greater consequences is the fact that the appellant's dwelling is located at higher finished floor level than the applicant's dwelling. This creates a greater potential for overlooking. However, the applicant in applying for planning permission under the current application would be fully aware of the potential for overlooking and would appear to be satisfied that the level of overlooking which would occur would be acceptable on her amenity. There are two windows on the applicant's dwelling at first floor level that could potentially be affected. One serves a master bedroom while the other serves an en-suite which is likely to incorporate obscure glazing. Again I would refer to the separation distances between the two houses

which is only marginally less than the standard 22 metre required separation distances in the case of suburban houses in order to mitigate against significant overlooking and for this reason I consider the proposal to be acceptable.

9.2.5. In conclusion therefore, I consider the overall impact on the appellant's amenity to be acceptable.

9.3. Suitability of the Site to Accommodate an On-Site Wastewater Treatment System

9.3.1. The Board will be cognisant of the fact that I visited the site in question and have had particular regard to the characteristics of the site in terms of its ability to accommodate an on-site wastewater treatment system.

9.3.2. In the first instance I would note that the proposed development complies with the requirements of the development plan in terms of the minimum site size required to accommodate an on-site wastewater treatment system. The site in question is 0.2 hectares in size. DM Standard 7 requires a minimum site size of 2,000 square metres (0.2 hectares) to provide for adequate effluent treatment for house sizes up to 200 square metres. The house proposed is 200 sq.m.

9.3.3. The site suitability assessment and site characterisation form submitted with the application would also confirm what I observed on site, namely that the soils and subsoils contained in the trial hole appear to be well aerated, gravelly, brown earth soils which appear podzolic in nature and display generally have good percolation characteristics. Furthermore, the T test undertaken on site indicated a T value of between 6 and 10 which would ensure that there is adequate porosity in the soils to allow effluent to discharge to groundwater. There is also sufficient retention time within the soils to ensure that effluent is adequately attenuated prior to discharge to groundwater.

9.3.4. While the grounds of appeal point out that the subject site is located in an area classed as having an extreme aquifer vulnerability rating, the Board will note that any area where soil depths are estimated to be less than 3 metres, these areas are classed as 'extremely vulnerable'. The Board should also note that the trial hole was excavated to a depth of 2.65 metres on site and neither the water table nor bedrock was encountered within the trial hole. 1.2 metres of adequately drained soil is required to ensure that effluent from a percolation area/polishing filter is adequately

treated prior to discharge to groundwater. The site in question readily meets the criteria so as to ensure that effluent is properly treated and attenuated.

- 9.3.5. Finally, in relation to this matter it should also be noted that there is not a significantly high density or concentration of septic tanks in the immediate vicinity of the subject site. It is only the appellant's on-site wastewater treatment system that is located on lands contiguous to the subject site. It appears from the topography of the site that groundwater flow would be predominantly in an eastern/north-eastern direction and is therefore likely to feed into the River Corrib catchment. However, based on the information contained in the site characterisation form and my own on-site assessment, I am satisfied that any effluent would be adequately treated and attenuated prior to entering the River Corrib surface water catchment.

10.0 **Conclusions and Recommendation**

Arising from my assessment above therefore, I consider the principle of the development to be acceptable in that the applicant has demonstrated a housing need in accordance with the criteria requirements set out under Policy Objective RH01 and that the proposed dwellinghouse will not significantly or adversely impact on the appellant's amenity through loss of privacy or overlooking. I am further satisfied that the site in question is suitable to accommodate an on-site wastewater treatment system such as that proposed under the current application.

11.0 **Appropriate Assessment**

As referred to above in my report, the subject site is located just less than 1 kilometre from the Lough Corrib SAC (Site Code: 000297). This European Site is located to the north-east of the subject site. It would appear from the topography of the area that groundwater from the site would drain towards the SAC in question. Therefore, there is a potential for the proposed development during the operational phase, to impact on the European site in question. Some of the qualifying interests associated within the SAC, include aquatic species could potentially be affected as a result of the proposed development if a deterioration in water quality were to occur as a result of the proposed development. However, I have argued above in my assessment that the subject site is suitable to ensure that any effluent discharged

from a properly constructed and maintained proprietary wastewater treatment system would not pose any threat to the groundwater environment and therefore consequentially would not pose any threat to aquatic species which form part of the qualifying interest associated with the Lough Corrib SAC. I am satisfied therefore, having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European site.

12.0 EIA Screening Assessment

Having regard to the nature of the development comprising of a single dwellinghouse in a rural area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore be excluded by way of preliminary examination.

13.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged, based on the reasons and considerations set out below.

14.0 Reasons and Considerations

It is considered that the proposed development subject to conditions set out below 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.

15.0 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 plans and particulars received on the 14th day of September, 2018, and the 1st day of November, 2018, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately

restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species, as in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) the establishment of a hedgerow along all side and rear boundaries of the site, and
 - (b) planting of trees at 6 metre intervals along the southern, eastern and northern 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.

4. Details of the proposed external finishes including materials, colours and textures of all finishes associated with the dwellinghouse shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

6. Site distance triangles shall be maintained and kept free from infringement or other obstructions that would reduce the minimum visibility required.

Reason: In the interest of traffic safety.

7. Details of all boundary treatment shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8.
 - (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority as part of the application, 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.

- 9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 10. The external finishes of the proposed domestic garage shall harmonise in colour, texture and finishes with the permitted dwellinghouse unless otherwise agreed with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

- 11. The proposed domestic garage shall not be used for habitable or commercial purposes or for any other purposes other than that incidental to the enjoyment of the dwellinghouse.

Reason: In the interest of general amenity and the proper planning and sustainable development of the area.

12. The applicant or developer shall enter into water connection agreements with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

13. The developer shall pay to the planning authority a financial contribution of €3,400 (three thousand four 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.

Paul Caprani,
Senior Planning Inspector.

8th April, 2019.