



An
Bord
Pleanála

Inspector's Report ABP-304536-19.

Development	Permission is sought for the construction of a single storey dwelling and garage with installation of wastewater treatment plant, percolation area and all associated site works.
Location	Canal Line, Cappincur, Tullamore, Co. Offaly.
Planning Authority	Offaly County Council.
Planning Authority Reg. Ref.	18/571.
Applicant(s)	Aine Treacy & David Buckley.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Aine Treacy & David Buckley.
Observer(s)	None.
Date of Site Inspection	22 th August, 2019.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located at Canal Line, Cappincur, Tullamore, Co. Offaly, approximately 1.3km (2km by road) to the east of the N52 and zoned lands of Tullamore, and approximately 3km to the town centre. The N52 comprises the eastern boundary of the zoned land extent within the Tullamore, and the Grand Canal flows through the centre of the town.
- 1.2. Access to the site is over the local network and a road, formerly used as a towpath associated with the Grand Canal. The site is accessed off a private road which runs perpendicular to the former towpath. This area of Co. Offaly, Cappincur, is clearly under development pressure, evidenced in the number of one off houses ribboning the public roads. Immediately adjacent to the subject site, there are 6 houses, four of which are accessed off the towpath, and two off the private road. The existing houses comprise a variety of sizes and styles including single storey and dormer style to two storey houses.
- 1.3. The site comprises a large field which fronts onto the canal to the south. Access to the site is proposed via a 12m width stripe of land along the southern boundary of the adjacent site to the west. The natural site levels provide for a generally level site which slopes slightly upwards from the towpath and canal towards the rear and north boundary of the site. The large site has a stated area of 0.84ha².

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a single storey dwelling and garage with installation of wastewater treatment plant, percolation area and all associated site works, all at Canal Line, Cappincur, Tullamore, Co. Offaly.
- 2.2. The proposed house is a 4-bedroom single storey house, with a stated floor area of 265m² and a single storey detached garage with a floor area of 37m². The house will rise to a total height of 6.645m and is laid out in a U shape around a south facing courtyard area. The planning application included the relevant plans and particulars.
- 2.3. It is proposed that the house will be serviced with a new connection to a group water scheme and a wastewater treatment plant. The application included a Site Suitability Assessment.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the proposed development, for the following stated reason:

1. Policy AAHP-15 of the Offaly County Council Development Plan 2014-2020 states 'It is Council policy that developments, which require vehicular access from public roads that were formally towpaths or from existing towpaths along the Grand Canal, are very strictly controlled. This is in addition to restrictions relevant to the Canal's designation as a Natural Heritage area and consequently as an Area of Special Control. It is policy to consider housing applications for established families only along roads that were formerly towpaths along the Grand Canal and that such developments will be strictly controlled.' It is noted that the proposed applicants' parental place of residence is not along the canal tow path.

The Council considers that the applicants do not comply with the above policy and accordingly the proposed development would materially contravene the 2014-2020 Offaly County Development Plan and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report considered the detail and nature of the proposed development, together with submissions made in relation to the proposal and policy requirements of the 2014-2020 County Development Plan. In addition the reports from the internal sections of Offaly County Council were considered in the planning assessment.

Following a request for further information, the final planning report formed the basis of the Planning Authority's decision to refuse permission.

3.2.2. Other Technical Reports:

Area Engineer: Further information required.

Environment & Water Services: No objection subject to conditions.

3.2.3. Prescribed Bodies:

A letter of consent for a connection to the Group Water Scheme is included with the planning application.

3.2.4. Third Party Submissions:

None

4.0 Planning History

None.

5.0 Policy Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

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.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities

The Guidelines refer to persons considered as constituting those with rural generated housing needs being persons who are an intrinsic part of the rural community or working full-time, or part-time, in rural areas. The Guidelines refer to persons who are an intrinsic part of the community as having 'spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes'.

5.3. Development Plan

5.3.1. The Offaly County Development Plan 2014-2020 is the relevant policy document pertaining to the subject site which is located in the open countryside within Co. Offaly and in an area designated as an Area Under Urban Influence and a pressure area in terms of the Plans Settlement Strategy. Chapter 1 deals with the Core Strategy and Settlement Strategy with Section 1.15.6 dealing with housing in the open countryside. The following settlement strategy policies are considered relevant:

- SSP-17: Rural Housing Design
- SSP-18: Local Housing Need
- SSP-19: Rural Housing Policy for Areas of Special Control

5.3.2. Having regard to the sites located immediately adjacent to the Grand Canal, the Plan identifies the area as an Area of High Amenity. In this regard, Chapter 7, Section 7.8 of the Plan is considered relevant, stating,

‘Areas of High Amenity (AHA) are identified in this plan to protect and enhance areas of scenic and amenity value in the County Offaly which are worthy of special protection in order to preserve their uniqueness and amenity value. These designations are additional to statutory environmental designations National and European which may overlap these AHAs.

It shall be Council priority to protect and preserve the county’s primary Areas of High Amenity (refer to Map 7.17) namely the Slieve Bloom Mountains, Clonmacnoise Heritage Zone, the River Shannon, Lough Boora Parklands, **Grand Canal** (my emphasis), Croghan Hill, Raheenmore Bog, Pallas Lake and Clara Bog and Eskers, Eiscir Riada, other eskers and Durrow High Cross, Abbey and surrounding area.’

5.3.3. Section 7.8.4 relates to waterways and includes the Grand Canal, noting the focus of the Grand Canal for a wide range of uses, especially for recreation and tourism purposes. The visual quality of the surrounding area is intrinsic to maintain the attractiveness of the Grand Canal corridor. Hence, the corridor is especially sensitive to large development structures, insensitively designed sporadic housing and large-scale land uses such as extractive industries. This section of the Plan also

seeks to strictly control developments requiring vehicular access from public roads that were formerly towpaths or from existing towpaths along the Grand Canal.

5.3.4. Section 7.9 and 7.10 deals with Areas of High Amenity Policies and Objectives while Section 7.11 deals with Landscape Sensitivity in the County. Table 7.11.4 provides a summary of Landscape Characteristics and Sensitivities applicant to High Sensitivity Areas and in relation to the Grand Canal states:

B) THE GRAND CANAL CORRIDOR

Characteristics:

- The Grand Canal is a focus for a wide range of uses, in particular, for recreation and tourism purposes.
- The visual quality of the surrounding areas is intrinsic to maintaining the attractiveness of the Grand Canal corridor.

Sensitivities:

- Hence, the corridor particularly outside of settlements is especially sensitive to large development structures, insensitively designed sporadic housing and large-scale land uses such as extractive industries.
- Offaly County Council will have regard to the Waterway Corridor Study 2002 (and any relevant successive studies) in the development management process.

5.3.5. Section 7.18 of the Plan deals with Built Heritage where it is the stated aim of the Plan that 'the Council will seek to protect, conserve and enhance buildings, areas, structures, sites and features of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The Council will aim to strike a reasonable balance between conservation and development objectives in the interests of the proper planning and sustainable development of the county.' Section 7.18.16 relates to the Grand Canal, stating as follows:

7.18.16 The Grand Canal

The Grand Canal, constructed between 1756 and 1793, carried both passengers and commercial boats until the 1850's with the latter continuing

until the 1960's. The recreational value of the Grand Canal is recognised and it is intended to preserve its attractiveness by carefully controlling development in order to protect its amenity and tourism potential. The development of the canal in relation to walking, cycling, coarse fishing and cruising will however be encouraged. Offaly County Council will have regard to the Waterway Corridor Study 2002.

5.3.6. Further to the above, Policy AAHP-15 states:

AAHP-15: It is Council policy that developments, which require vehicular access from public roads that were formerly towpaths or from existing towpaths along the Grand Canal, are very strictly controlled. This is in addition to restrictions relevant to the Canal's designation as a Natural Heritage Area and consequently as an Area of Special Control. It is policy to consider housing applications for established families* only along roads that were formerly towpaths along the Grand Canal and that such developments will be strictly controlled.

*Families for the purpose of this policy are defined as husband, wife and their children, siblings of the husband and wife and their sons and daughters.

5.4. **Natural Heritage Designations**

The site is not located within any designated site. The site is located approximately 4.5km to the east of Charleville Wood SAC, Site Code 000571. The Grand Canal pNHA, Site Code 002104, lies immediately to the south of the site.

5.5. **EIA Screening**

Having regard to nature and scale of the 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.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of the Planning Authority to refuse permission for the proposed development. The submission presents an introduction to the development and description of the site contexts and planning history which is considered to constitute precedent as well as an overview of the decision of the Planning Authority and the policy context. The grounds of appeal are summarised as follows:

- The PAs Planning Officer concluded that the siting and design of the proposal is acceptable, the proposed dwelling would be well screened and a conflict arises between Policy AAHP-15 and the proposal.
- It is submitted that compliance with the above policy is the main issue.
- The subject site does not require access from a public road that was formerly a towpath – access to and from the site is on a private road for which permission has been given.
- There is a planning precedent in relation to access – PA ref 18/71 refers.
- The applicant satisfies the local rural need as the applicant comes from an established family along the Grand Canal Way, is involved in the running of the family farm and does not own a house in the local area.
- This is the only parcel of land available to the applicants within the family landholding.
- A site specific site suitability assessment and characterisation report was prepared and show that the site is suitable for the proposed development.
- It is not a specific requirement of the Offaly CDP, Policy AAHP-15, that the applicants parental residence is located along the canal tow path.
- The family is an established farming family whos land is accessed along the canal.

It is requested that permission be granted for the proposed development.

6.2. Planning Authority Response

The Planning Authority has responded to this first party appeal and the content is summarised as follows:

- Planning reference 18/71 referred to in the appeal does not adjoin the Grand Canal.
- In terms of Policy AAHP-15, it is noted that the site has 230m boundary adjoining the towpath and Canal and is therefore 'along roads that were formerly towpaths'.
- Considerable monies have been and are being spent on developing the Grand Canal as a greenway. The proposed development could prejudice such investment.

It is requested that the decision of the Council be upheld.

6.3. Observations

None.

7.0 Assessment

Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, and proposed development, I suggest that it is appropriate to assess the proposed development under the following headings:

- The principle of the development and compliance with policy
- The site suitability for the proposed development
- Landscape and visual impacts
- Roads & Traffic
- Appropriate Assessment

7.1. The principle of the development and compliance with policy

7.1.1. The subject site is located within a rural area which is identified as being under strong urban influence for one-off housing, as defined in the Sustainable Rural Housing Guidelines and the Offaly County Development Plan. This is evident in the number of one-off houses along the approach road to the south of the subject site and is due to its proximity the town of Tullamore and the national primary road network. The site lies approximately 1.3km (2km by road) to the east of the N52 and zoned lands of Tullamore, and approximately 3km to the town centre. There is a presumption against development in such areas save for in instances where it can be demonstrated that an applicant complies with the Planning Authority's rural housing policy. Should the Board be minded to grant planning permission in this instance it should be satisfied that the appellant adequately complies with the requirements of these stated policies as detailed in Chapter 1 of the Plan, which deals with the Core Strategy and Settlement Strategy with Section 1.15.6 dealing with housing in the open countryside, as well as National Policy Objective 19 of the National Planning Framework.

7.1.2. The Board will note that one of the applicants is the daughter of the landowner and grew up approximately 1km from the subject site where her family home is located on Dangan Road. The family farm yard is located across the canal from the

subject site and a full landholding map has been submitted as part of the planning process. It is noted that the applicant assists in managing the finances for the family farm and evidence to confirm this is provided. In terms of compliance with the Offaly County Council housing policy and local need, I am generally satisfied that the applicant complies as she is a local rural person and the site lies within their local rural area. In addition, it appears that the applicant does not own a house and the proposed dwelling is to be occupied as a permanent residence.

7.1.3. Policy SSP-19 is also considered relevant given the location of the site within an Area of Special Control. This policy requires that the applicant must demonstrate compliance with all the following criteria:

1. Applicant must meet the criteria of one or more of the 3 categories of Policy SSP - 18 (Rural Housing Policy) – I am satisfied that the applicant is a local rural person
2. Applicant has a functional need to reside in this particular rural area – The applicant has provided evidence of helping on the family farm and therefore, I am satisfied that a functional need to reside in this rural area has been demonstrated.
3. Adequate measures are proposed which will ensure protection of the drinking water source from any deleterious effects of the development (source protection zones) – I will deal with site suitability issues further in section 7.2 of this report. The Board will note that a site assessment was carried out and Offaly County Council Water Services had no objections to the proposed development.
4. No alternative site is available outside the areas of special control - the applicant has provided details of the full family landholding and an explanation why the subject site is the only one available for the proposed development.
5. Applicant does not already own or has owned a house in a rural area – the applicant does not, or never has, owned a house in a rural area.

7.1.4. In terms of compliance with the above, I am generally satisfied that the proposed development can be considered acceptable in principle, and if permitted, would not result in a material contravention of policies of the Offaly County Development Plan.

7.2. Site suitability issues:

7.2.1. In terms of site suitability, the Board will note that it is intended to install a septic tank and percolation area to serve the site. It is also noted that the house is to be serviced via a new connection to a local Group Water Scheme, the Ballingar GWS. Having considered the information provided on the planning authority file with regard to the proposed development, I am satisfied that the applicant submitted a completed site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site. The Board will note the proximity of the site to the Grand Canal and the treatment system is proposed at approximately 40m from the canal.

7.2.2. The Site Assessment Report notes that the bedrock or the water table were not encountered in the trial pit, which was dug to 2.4m bgl. The assessment identifies that the site is located in an area where there is a Groundwater Protection Scheme and categorises the site as being a locally important aquifer (LI) with moderate vulnerability. A Groundwater Protection Repease of R1 is indicated. The top soil is described as loam and the subsoil as 'Limestone Till'. The bedrock type is 'Dinantian Pure Bedded Limestones'. *T tests were carried out on the site at levels ranging from 1,010mm to 1,170mm bgl, yielding an average value of 49.67, and a *T result of 19.19. *P tests were also carried out at the site at a level of 0.4m bgl, yielding an average value of 25.67 and a *P result of 9.89. The report concludes, recommending a septic tank and percolation area comprising 108m of percolation trench at an invert level of -0.8m. The system will discharge to groundwater.

7.2.3. Overall, I consider that the site is suitable for the safe and adequate disposal of treated waste water arising from the proposed development. However, and notwithstanding the results submitted as part of the site assessment, having regard to the proximity of the site to the pNHA, Grand Canal, I consider that should the Board be minded to grant permission for the proposed development, a treatment plant should be installed to ensure a high level of treatment of waste water prior to being discharged to the percolation area. In addition, the system, including the polishing filter / percolation area should be sized for a PE of 8 given the 4 double bedroom house proposed, and not 6 as indicated. This can be dealt with by way of condition.

7.3. Landscape and visual impacts

7.3.1. In addition to the settlement policies of the Council, the Offaly County Development Plan, 2014, includes a number of policies in relation to the protection of the visual amenities of the county and in particular the primary Areas of High Amenity. Given the location of the site adjacent to the Grand Canal, policy AAHP-15 is applicable. Section 7.8.4 of the Plan relates to waterways and includes the Grand Canal, noting the focus of the Grand Canal for a wide range of uses, especially for recreation and tourism purposes. The visual quality of the surrounding area is intrinsic to maintain the attractiveness of the Grand Canal corridor. The plan also seeks to strictly control developments requiring vehicular access from public roads that were formerly towpaths or from existing towpaths along the Grand Canal.

7.3.2. Policy AAHP-15 states:

It is Council policy that developments, which require vehicular access from public roads that were formerly towpaths or from existing towpaths along the Grand Canal, are very strictly controlled. This is in addition to restrictions relevant to the Canal's designation as a Natural Heritage Area and consequently as an Area of Special Control. It is policy to consider housing applications for established families* only along roads that were formerly towpaths along the Grand Canal and that such developments will be strictly controlled.

*Families for the purpose of this policy are defined as husband, wife and their children, siblings of the husband and wife and their sons and daughters.

7.3.3. The Board will note, that the reason for refusal of planning permission for the proposed house. The full reason for refusal states as follows:

1. Policy AAHP-15 of the Offaly County Council Development Plan 2014-2020 states 'It is Council policy that developments, which require vehicular access from public roads that were formally towpaths or from existing towpaths along the Grand Canal, are very strictly controlled. This is in addition to restrictions relevant to the Canal's designation as a Natural Heritage area and consequently as an Area of Special Control. It is policy to consider housing applications for established families only along roads that were formerly towpaths along the Grand Canal and that such developments will be strictly

controlled.' It is noted that the proposed applicants' parental place of residence is not along the canal tow path.

The Council considers that the applicants do not comply with the above policy and accordingly the proposed development would materially contravene the 2014-2020 Offaly County Development Plan and would be contrary to the proper planning and sustainable development of the area.

7.3.4. In the context of the above, the Planning Authority has considered that as the applicants parents house is located on the Cappincur Road, and is not directly on the Canal towpath, the applicants do not comply with the above policy as an established family along the canal. In the appeal, the applicants submit that this is not a specific requirement of the policy and therefore, it is requested that the Board reject this reasoning. The applicants family access the farm lands along the canal and have done so for many years with established vehicular access passing and repassing along the Grand Canal Way.

7.3.5. I am inclined to agree with the applicant in this regard. The applicants family are an established farming family in the local area, including owning lands which are located along the Grand Canal and there is no specific requirement in the text of Policy AAHP-15, for the family home to be located on the Canal or requiring direct access from the towpaths. As such, I am satisfied that the applicant complies with the principle of policy AAHP-15 in terms of being an 'established family'.

7.3.6. In terms of the development requiring access from the towpath, I would agree that such development should be strictly controlled. In the context of the proposed development however, I note that there is an existing access to the site. I also note that this entrance is located adjacent to a private road and that permission for access directly to the private road has been provided. I have no real objections in this regard.

7.3.7. The Board will note the location of the site in proximity to the route of the Grand Canal Greenway project. Section 7.17 of the Plan and Objective ROWO-02 are considered relevant in this regard, with Objective ROWO-02 stating that 'It is an objective of the Council to protect potential 'greenway' routes along and in proximity to abandoned rail lines from inappropriate development that could compromise the delivery of a cycling or walking route in the future.' In this regard, I consider it

reasonable to assess the proposed development in the context of the Grand Canal Greenway which I will discuss this issue further below in section 7.4 of this report.

7.3.8. With regard to visual impacts associated with the proposed development, Section 7.11 of the Plan deals with Landscape Sensitivity Classification in the County. Table 7.11.4 provides a summary of Landscape Characteristics and Sensitivities applicable to High Sensitivity Areas and in relation to the Grand Canal states:

B) THE GRAND CANAL CORRIDOR

Characteristics:

- The Grand Canal is a focus for a wide range of uses, in particular, for recreation and tourism purposes.
- The visual quality of the surrounding areas is intrinsic to maintaining the attractiveness of the Grand Canal corridor.

Sensitivities:

- Hence, the corridor particularly outside of settlements is especially sensitive to large development structures, insensitively designed sporadic housing and large-scale land uses such as extractive industries.
- Offaly County Council will have regard to the Waterway Corridor Study 2002 (and any relevant successive studies) in the development management process.

7.3.9. The site itself is bound by high hedgerows and the existing landscape features in the vicinity of the site mean that the proposed house, if constructed as proposed, would not be widely visible from the surrounding road network or from the Grand Canal. The main landscape feature associated with the subject site is the hedgerows and the development proposes to retain and supplement them with additional planting within the site.

7.3.10. Section 7.12.4 of the Offaly County Development Plan deals with Trees, Hedgerows, Traditional Stonewalls and states that hedgerows should be retained or translocated within a development and the conservation of trees is also necessary

and their presence enhances the overall aesthetic quality of an area. The Development Management Guidelines of the Plan, chapter 8, also seek to protect where possible hedgerows as part of developments.

7.3.11. The Board will note the text on the submitted site layout plan, drawing no. PD002, revision A, which states that 'the area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be maintained. Any trees, hedges or T/poles affecting visibility must also be removed or relocated behind the sight lines.' I note that the land within the visibility splay to the west of the site is not in the ownership of the applicant and no permission has been provided to carry out any of the suggested / possible works. The letter from the landowner gives permission to use the private road to access the site.

7.3.12. In the absence of any clear details relating to the proposed entrance to the site, I am concerned that this sweeping statement may result in the loss of existing trees. I would consider that sight distances may be potentially restricted to the east but given the lightly trafficked nature of the road, together with the limited speeds achievable along the Canal Way, I do not consider that a grant of permission would give rise to a significant traffic hazard. Should the Board be minded to grant permission however, I recommend that a clear condition be included to specifically exclude the removal of any trees or hedgerows along the southern boundary of the site, in the interests of visual amenity.

7.3.13. Overall, I have no objection to the proposed development in the context of landscape and visual impacts.

7.4. Roads & Traffic

7.4.1. The Board will note that the receiving road is a narrow local road which accommodates a small number of one-off houses and farms. The road surface is approximately 3m in width and is generally in good condition. The southern boundary of the site comprises the boundary with the public road, a former towpath to the north of the Grand Canal. I have noted the policy requirements of the Offaly County Development Plan in relation to greenways above, including section 7.17 of the Plan and Objective ROWO-02. I note the efforts of the Council and other parties to

establish the Greenway along the full length of the Grand Canal within the County and the Board is advised that the subject site is located to the north of the canal while the Phase 2 section of the Grand Canal Greenway Project within Offaly at this point, lies along the towpath to the south of the canal. In this regard, the proposed development, if permitted will not impact the delivery of the Grand Canal Greenway project.

7.4.2. I am generally satisfied that the road network can accommodate the development of a house without any undue impacts to existing road users. The Board will note no objection from the Roads Section of Offaly County Council and in this regard, I have no objections to the proposed development.

7.5. Appropriate Assessment:

The site is not located within any designated site. The site is located approximately 4.5km to the east of Charleville Wood SAC, Site Code 000571. The Grand Canal pNHA, Site Code 002104, lies immediately to the south of the site. Having considered the nature and scale of the proposed development, on an existing greenfield rural site, together with the separation distance between same and the Natura 2000 site, it is appropriate to conclude that this project should not proceed to Stage 2 of the AA process and that an Appropriate Assessment is not necessary as there is little or no potential for significant effects to Natura 2000 sites.

8.0 Recommendation:

It is recommended that permission be granted for the proposed development for the stated reasons and considerations and subject to compliance with the following conditions.

1.0 Reasons and Considerations

Having regard to the provisions of the current Offaly County Development Plan, 2014-2020, and to the information submitted as part of the planning application together with the information submitted in the appeal, the Board is satisfied that the proposed development, generally accords with the policy requirements of the Development Plan, in particular as it relates to the provision of rural housing. It is

further considered that the design, scale and finish of the proposed house, would not seriously injure the general, visual or residential amenities of the area, would not represent a traffic hazard and would therefore, be in accordance with the proper planning and sustainable development of the area.

2.0 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 2nd day of April, 2019, 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. (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.

(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 existing roadside and site boundaries shall be retained in full. Prior to the commencement of any development on the site, full and accurate details of the proposed entrance shall be submitted for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

4. 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.

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. (a) The house shall be serviced by a proprietary treatment plant and polishing filter/percolation area which shall be located, constructed and maintained in accordance with the requirements of the planning authority and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. The system, including the polishing filter / percolation area shall be sized for a PE of 8 given the 4 double bedroom house proposed. Full details shall be submitted

for the written agreement of the planning authority prior to the commencement of any development on the site.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water 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 / percolation area.

(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 / percolation area is constructed 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.

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. 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.

A. Considine
Inspectorate
26/08/2019