



An  
Bord  
Pleanála

## Inspector's Report ABP-307604-20

### Development

Demolition of existing extension to the side and rear of the existing cottage and replace with a two storey dormer extension to the side and rear removal and replacement of existing slate roof, internal alterations & associated site works.

### Location

Cornaon Cottage, Montpellier,  
Bohernabreena, Dublin 24.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD19B/0486.

### Applicant(s)

Declan and Jennifer Webb.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Planning Permission.

### Type of Appeal

First Party v Refusal

### Appellant(s)

Declan and Jennifer Webb.

### Observer(s)

None.

**Date of Site Inspection**

8<sup>th</sup> September 2020

**Inspector**

Elaine Sullivan.

## 1.0 Site Location and Description

- 1.1. The subject site is located in the Dublin Mountains, within the rural townland of Montpelier on the eastern side of Bohernabreena Valley. It is approximately 4.5km from Tallaght Town Centre, which is the nearest urban centre. The site has a stated area of 0.143ha and is accessed from Piperstown Road. It is positioned to the south and east of a cluster of existing houses located around Friarstown Lower and along the north-western slope of Montpelier Hill.
- 1.2. The site is triangular in shape and currently comprises a single storey cottage, laid out in an 'L' shape and positioned on the southern portion of the site. There is one vehicular access directly adjacent to the house and in the south-west corner. A number of small sheds and out-buildings are also in place across the site.
- 1.3. Although the site is large the buildings are positioned in the southern corner of the site, with the remainder of the land laid out in grass and trees and over a steep gradient as the site extends up the hill.

## 2.0 Proposed Development

- 2.1. The application is for permission for the;
  - Demolition of the existing single storey extension of 36m<sup>2</sup> which is positioned to the side and rear of the original dwelling,
  - The construction of a two-storey dormer extension of 147.37m<sup>2</sup> to the side and rear with roof to match existing. Under Further Information submitted on the 14<sup>th</sup> April 2020, the footprint of the building increased from 144.9m<sup>2</sup> to 147.37m<sup>2</sup> and the overall ridge height was reduced from 6.2m to 6m. Some changes were also made to the elevations and fenestration.
  - Removal and replacement of existing slate roof along with internal alterations and associated site works.
  - No changes are proposed to the existing vehicular access or boundary treatments.

## 3.0 Planning Authority Decision

### 3.1. Decision

Planning permission was refused by the Planning Authority for the following reason;

1. Having regard to the design approach, integration, the use of the existing cottage and the scale of the proposal relative to the existing dwelling, the proposed development is considered to be a replacement dwelling. In accordance with Policy H23 of the South Dublin County Council Development Plan 2016-2022, replacement dwelling (along with new dwelling) are assessed for compliance with the criteria in Policy H23 Objective 1. Having regard to the documentation submitted, the applicant has failed to satisfy the requirements as set out under H23 Objective 1: 'To consider new or replacement dwellings within areas designated with Zoning Objective 'HA-Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) where all of the following criteria are met. In particular the applicant has failed to satisfy the following criteria: (a) The applicant can demonstrate a genuine need for housing in that particular area, (b) The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming. Thus the proposed development would contravene the rural housing policy of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Report

#### 3.2.1. Planning Reports

The recommendation to refuse permission in the Planning Officer's report, (June 2020), reflects the decision of the Planning Authority. The report concluded the following;

- The integrity of the existing dwelling would be lost as the remaining structure would be used as a family and TV room, which is incidental to the dwelling.

Therefore, the remnants of the original structure would be few, and it would lose its habitable use.

- With reference to Policy H24 – Rural Housing in HA – Liffey Valley and Dodder Valley, as the scale of the proposed development was greater than 50% of the floor area of the main dwelling house, it could not be considered to be an extension but is considered to be a new dwelling and should be assessed as such.
- The structure would not meet the criteria set out under Policy H25 – Replacement Dwellings as the applicant did not indicate that there is a genuine need for replacement and the proposed structure is significantly larger than the existing extension it is to replace.
- The applicant has not satisfied the criteria under Policy H23 in terms of demonstrating housing need within the rural area.

3.2.2. Further information was requested by the Planning Officer in their initial report (February 2020), with regard to two no. items;

1. The applicant was requested to submit documentation to satisfy the requirements of policy H23 Rural Housing in zone HA – Dublin Mountains. The applicant was also requested to address the issue of a septic tank as no information was provided.
  2. Information was also requested to redesign the layout of the proposal to present a more integrated design along the southern elevation.
- A response to the Further Information request was submitted July 2020.
  - The applicants state that they are originally from Tallaght and have lived in Kiltipper, Tallaght since 1999. They own a local crash repair business in Bohernabreena, which they have run since 2003. This business also employs local staff.
  - They have been living in Carnaon Cottage since 2019. The house does not meet their needs as a family with two dependent children and a third living abroad.

- A Technical Site Suitability Report and accompanying documentation was prepared by Kingspan. The report assessed the conditions of the site with regard to on-site waste-water treatment and recommends that a 'packaged wastewater treatment system and polishing filter' be used for the site.
- Some structural changes were also made to the plans which are detailed above.

### 3.2.3. Other Technical Reports

- Environmental Health Officer – The proposal is acceptable subject to conditions.
- Parks Department – No comment.
- Roads Department – No objection.
- Water Services – No objection noted to the AI submission.

#### **Prescribed Bodies**

- Irish Water – No objection.

## 4.0 **Planning History**

**SD08A/0864** – Planning permission was refused by the Local Authority on the 25<sup>th</sup> February 2009, for the removal of existing sheds and septic tank and the construction of 1 no. detached 4 bedroom dormer bungalow with partial ground floor rear extension, along with new foul sewer treatment system and all ancillary works. The reasons given for refusal are as follows;

1. The proposed additional dwelling would not accommodate a genuine rural generated housing need and would not comply with the relevant housing needs criteria. The proposed development would be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities, (2005) and

would contravene materially a development objective of the Development Plan.

2. The provision of an additional dwelling on the site would represent a cramped form of development on a rural mountain site. The density would be out of character with the surrounding pattern of development & would be at variance with the Glenasmole Bohernabreena Housing and Planning Study 2002.
3. The scale of the proposed dwelling would be extensive and would overbear the existing dwelling. The combines mass and bulk of development would interfere with protected eastward views of special amenity along Piperstown Road.
4. The proposed development would generate additional traffic movements and would endanger public safety by reason of traffic hazard.
5. It would be prejudicial to public health by reason of the proposal to share a new waste-water treatment system between the existing and proposed dwelling. The proposed percolation area, within 3 metres of the boundary with the adjacent residential landholding would be at variance with the minimum separation distance recommended under the EPA's Waterwater Treatment Manuals (2000).

## **5.0 Policy and Context**

### **5.1. Development Plan**

#### **5.1.1. Zoning**

The operative Development Plan for the subject site is the South Dublin County Council Development Plan 2016 – 2022. The land use zoning for the site is High Amenity – Dublin Mountains HA - DM, the objective of which is 'To protect and enhance the outstanding natural character and amenity of the Dublin Mountains Area'.

Residential development is listed as 'Open for Consideration' in the HA-DM zoning and must be 'In accordance with Council policy for residential development in rural areas'. The site also has a Conservation objective to Protect and Preserve Significant Views.

- 5.1.2. **Section 2.4.1 – Residential Extensions** - This section contains Housing Policy 18 & Supporting objective H18 as follows;

**Housing (H) Policy 18** - It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

**H18 Objective 1:** To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

- 5.1.3. **Section 2.5.0 – Rural Housing** – Contains Housing Policies H20 & H21 which relate to the management of single dwellings in rural areas as follows;

**Housing (H) Policy 20** –It is the policy of the Council to restrict the spread of dwellings in the rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.

**Housing (H) Policy 21** – Rural Housing Policies and Local Need Criteria; It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005), "persons who are an intrinsic part of the rural community" or "persons working full-time or part-time in rural areas" as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines (2005) shall be favourably considered in relation to rural housing.

- 5.1.4. **Section 2.5.4- Rural Housing in HA – Dublin Mountains Zone** – This section relates to new or replacement dwellings in the Dublin Mountains and sets out the criteria for assessment as follows;



**HOUSING (H) Policy 23** Rural Housing in HA – Dublin Mountains Zone; It is the policy of the Council that within areas designated with Zoning Objective ‘HA-DM’ (to protect and enhance the outstanding natural character of the Dublin Mountains Area) new or replacement dwellings will be only be considered in exceptional circumstances.

**H23 – Objective 1** – To consider new or replacement dwellings within areas designated with Zoning Objective ‘HA-Dublin Mountains’ (to protect and enhance the outstanding natural character of the Dublin Mountains Area) where all of the following criteria are met:

- The applicant is a native of the area; and
- The applicant can demonstrate a genuine need for housing in that particular area; and
- The development is related directly to the area’s amenity potential or to its use for agriculture, mountain or hill farming; and
- The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area. sets out the criteria under which new or replacement dwellings can be considered.

5.1.5. **Section 2.5.6 – Replacement Rural Dwellings** – Policy H25 and Objective H25 sets out the criteria under which replacement dwellings in HA areas will be considered.

**Housing (H) Policy 25** - Replacement Dwellings in Rural and High Amenity Areas; It is the policy of the Council to consider applications for replacement dwellings in rural and high amenity areas where there is a genuine need for refurbishment and/or replacement.

**H25 Objective 1:** To favourably consider applications for replacement dwellings within areas designated with Zoning Objective ‘RU’ (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective ‘HA – Dublin Mountains’ (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective ‘HA – Liffey Valley’ (to protect and

enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective 'HA – Dodder Valley' (to protect and enhance the outstanding character and amenity of the Dodder Valley) where the Planning Authority is satisfied that all of the following are met:

- There is a genuine need for replacement or refurbishment of the structure; and
- The roof, internal walls and external walls of the structure on site are substantially intact; and
- The structure on site is a habitable dwelling and its use as a habitable dwelling has not been abandoned (for a period that exceeds 5 years); and
- The structure on site is of limited value in terms of built heritage, character and visual amenity; and
- The replacement dwelling would largely occupy the same footprint, scale and location of the dwelling to be replaced, save in exceptional circumstances where the Planning Authority agrees a more favourable position in the context of the development management criteria outlined in Chapter 11 Implementation.

5.1.6. **Section 2.5.8 – Rural House & Extension Design** – Housing Policy H27 and Objective H27 set out the criteria for the design of extensions to rural housing as follows;

**Housing (H) Policy 27 Rural House & Extension Design** - It is policy of the Council to ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

**H27 Objective 1:** Ensure that all new rural housing and extensions within areas designated with Zoning Objective 'RU' (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective 'HA–DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective 'HA –LV' (to protect and enhance the outstanding character and

amenity of the Liffey Valley) and Zoning Objective 'HA–DV' (to protect and enhance the outstanding character and amenity of the Dodder Valley):

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and
- Retains and reinstates traditional roadside and field boundaries; and
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and
- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and
- Would not create or exacerbate ribbon or haphazard forms of development.

## 5.2. National Guidance

- **Sustainable Rural Housing, Guidelines for Planning Authorities, 2005, (DEHLG)** – The subject site is located within an area which is categorised as a 'Rural Area under a Strong Urban Influence' with the guidelines.

## 5.3. Natural Heritage Designations

No designations apply to the subject site. However, the site is approximately 1km uphill from the Glenasmole Valley SAC, which is located between Friarstown Lower and Ballinascorney Lower. Glenasmole Valley is also a Proposed NHA.

#### **5.4. Grounds of Appeal**

The grounds of appeal, as raised in the submission from AKM Design on behalf of the first party appellant can be summarised as follows;

- The dwelling and the site have the capacity to absorb the proposal without adversely impacting on adjoining dwellings or the surrounding area.
- The extension should have been considered under Policy H27 (Rural House and Extension Design) and should not have been considered a replacement dwelling. The Planning Authority did not consider the floor area of the sheds to be removed when calculating the overall increase in floor area of the proposal. When this floor area is included, the new footprint would only be 25% larger than the existing footprint.
- The increase in the size of the original footprint would be less than the 50% increase in floor area of the original structure as per Policy H24 as cited in the Planning Officer's report.
- The design of the extension is acceptable for the zoning for the site and the extension is properly integrated with the existing single dwelling.
- The proposed extension complies with SDCC policy with regard to extensions and is in keeping with the character of the area – there will be no adverse visual impact on the amenity of the rural area.

#### **5.5. Planning Authority Response**

- The Planning Authority notes that all issues have been covered in the Planning report. Correspondence also notes that, in the event that a decision to grant permission is issued, cognisance should be had to as to whether the SDCC Development Contributions Scheme applies and whether a condition should be attached accordingly.

#### **5.6. Observations**

- None.

## 6.0 Assessment

6.1. Having examined the application details and all other documentation on file, inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Principle of Development
- Definition of Development
- Impact of Development
- Drainage
- Other Matters
- Appropriate Assessment

### 6.2. Principle of Development

The site is zoned HA – DM, which has the objective ‘To protect and enhance the outstanding natural character and amenity of the Dublin Mountains Area’.

Residential development is open for consideration under this designation but is subject to strict regulation under the Housing Policies contained within the Development Plan, most notably Policies H24 – Rural Housing in HA Extension Guide, H25 – Replacement Dwellings in Rural and High Amenity Areas and H27 – Rural House & Extension Guide.

### 6.3. Definition of Development

The central tenet of the appeal is whether the proposal was assessed under the correct Housing Policy as contained in Section 2.5 (Rural Housing) of the SDCC CDP. At the core of the issue is whether the proposal should be defined as an extension or a replacement dwelling.

Having carried out a site inspection and assessed the accompanying documentation, I am of the view that the proposed development is an extension to the original dwelling and should be assessed as such.

As the floor plans and elevations were altered through Further Information, I assessed the measurements and floor areas of the existing and proposed

developments from the drawings submitted on the 29<sup>th</sup> July 2020 in response to the FI request.

I would note to the Bord that some ambiguity exists throughout the file as to what the actual gross floor area (GFA) of the development would be. In the interest of clarity, I have calculated the GFA as per the definition set out in the Planning and Development Regulations 2001 and subsequent amendments. The appeal documents also present the GFA and footprint of the building as interchangeable and comparable measurements, when they are not.

The existing dwelling has a GFA of 65.4m<sup>2</sup>. The subject proposal would remove the rear section of the dwelling, (36m<sup>2</sup>), leaving 29m<sup>2</sup> of the original structure. The new structure would have a GFA of 147.37m<sup>2</sup>, (84.37m<sup>2</sup> at ground floor level and 63m<sup>2</sup> at first floor level). Even when the footprint of the structure to be demolished is subtracted from this floor area, the increase in scale is significant at 111.37m<sup>2</sup> of additional floor area.

The footprint of the new structure would increase from 9.1m to 14.1m in length and from 4.7m to 6m in width and the overall height would increase from 4m to 6m.

Notwithstanding the scale of the proposal, the front section of the original dwelling would be retained as is and would form part of the new structure. In essence the subject proposal would represent a large, two storey extension to the side and rear of the existing single storey dwelling.

The Planner's report also notes that Policy H24 states that 'any extension or alteration to an existing habitable structure should not exceed 50% of the original structure'. It is noted that this policy specifically relates to the High Amenity areas of Liffey Valley and the Dodder Valley and does not include the Dublin Mountains area.

As I consider the proposed development is considered to be an extension to an existing dwelling rather than a replacement dwelling, I am of the view that the proposal should be assessed against the criteria outlined in Objective H27, which supports Policy H27 – Rural House and Extension Design Guide.

#### 6.4. Impact of the Development

Development Plan Policy H27 states that 'It is policy of the Council to ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape'. As such it is considered appropriate that the development is assessed under the criteria set out in Objective H27, which have been condensed into the following headings;

#### 6.4.1. Impact on Landscape

The site is positioned within a rural area that has undergone substantial residential development over the years and the two-storey dormer structure would not be out of keeping with the existing character of development in the area. I am satisfied that, given the geographical conditions on the site and the surrounding pattern of development, the proposed development would not result in any significant negative visual impact.

The proposed development would be positioned on the lower section of the site with the lands rising to the rear. It would be set back from the site boundary by approximately 9m and, apart from the vehicular entrance and the original low stone wall directly adjacent to the existing cottage, the site is screened from the public road by trees and hedges. It is also screened from the adjoining site to the south which contains a two storey dwelling which was permitted under Reg. Ref. SD06A/0157.

The site is also located within the context of a protected view as indicated in Map 11 of the SDCC CDP. The protected view is afforded to the rear of the site and to the east. Given the topography of the site and the screening and trees in place to the rear of the site, it is considered that the proposal will not impact on the protected view. However, the stone boundary wall is an important visual feature within the rural setting and adds to the character and visual amenity of the area. I recommend that a condition be attached to retain this wall in situ during and after the works to be carried out on site.

#### 6.4.2. Impacts on Receiving Environment

The proposed development would be constructed on the portion of the site that has already been developed. As such the proposal would not result in any significant negative impacts on the flora and fauna of the site or the surrounding sites. No

specific designations apply to the site, but it is in proximity to the Glensmole Valley SAC and the Bohernabreena Reservoir, which is approximately 1km away when measured overland.

However, there is no direct pathway or connection from the site to the SAC and Proposed NHA. Given the extent of the works and the location of the site the proposal would not have any impact on the SAC. The development has also been screened for AA which is detailed further in the report.

As previously noted, the site is extensively screened by planting and trees. I recommend that the existing trees and planting along the site boundaries are retained in order to provide visual screening and to enhance the setting and biodiversity of the rural area.

#### 6.5. Drainage

It is proposed to deal with wastewater through a packaged waste-water treatment system, with surface water disposed of through a sand polishing filter and percolation area. There is an existing block built septic tank on the site which is operational.

I have assessed the details of the site characterisation tests against the EPA Code of Practice, Wastewater Treatment Systems for Single Houses (2010). The tests were carried out in accordance with EPA guidelines and the results indicate that the percolation test values (P and T tests) are within the acceptable limits for operation of wastewater treatment system as set down under the EPA Code of Practice.

The location of the on-site drainage systems are shown on Drawing No. 13A-20-19, Proposed Site Layout, April 2020, which was submitted as Further Information. Measurements taken from this drawing show that the separation distances as set out in the EPA per CoP can be achieved. I would consider that subject to a condition requiring installation and operation in compliance with the EPA Code of Practice, that the proposed development is acceptable with regards to public health

The proposal includes on site drainage in the form of a soakaway. The Council's Water Services Section did not object to the proposal. I am satisfied subject to appropriate conditions such as prevention of discharge of surface water outside of the site, the proposed would be satisfactory with regard to drainage.



## 6.6. Other matters

The decision to refuse permission results in the issue of a development contribution in accordance with the Development Contribution Scheme of the Council not being addressed. In the event that the Board is minded to grant permission, then it would be appropriate to attach a condition requiring payment of a development contribution.

## 6.7. Appropriate Assessment

The appeal site is neither within nor immediately abutting any European site. The development is not necessary for the management of any European site. The closest European site is approximately 1km away within the Glenasmole Valley. This SAC is separated from the site by Piperstown Road and existing residential properties beyond that. There is no direct link between the SAC and the appeal site.

Having regard to the minor nature of the development, the absence of a pathway to and the separation distance to any European site, 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 or projects on a European site.

## 7.0 Recommendation

7.1. Having reviewed the information contained in the appeal and examined the subject site, I am satisfied that the proposed development can be considered to be an extension of the original dwelling on the house and when assessed under the relevant policies and objectives of the SDCC Development Plan, would not result in any undue negative impacts for the subject site and the surrounding rural area.

7.2. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

## 8.0 Reasons and Considerations

8.1. Having regard to the nature and scale of the proposed development, it is considered to be an extension to an existing dwelling, which is in accordance with the zoning

objectives for the site and is also in accordance with the provisions as set out in Policy H27 of the Development Plan. It is also considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives of the South Dublin County Council Development Plan 2016-2022 and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:</p> <ul style="list-style-type: none"> <li>(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.</li> <li>(b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.</li> </ul> <p>Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.</p>

	<p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>The original stone wall along the site boundary shall be retained in situ and shall be repaired should any damage occur during construction works.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. [Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.]</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 14<sup>th</sup> day of April 2020 , 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.</p> <p>(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.</p> <p>(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</p>

	<p>agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(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.</p> <p>(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.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>
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Elaine Sullivan  
Planning Inspector

30<sup>th</sup> September 2020