



An
Bord
Pleanála

Inspector's Report

ABP-308104-20

Development	Permission for the construction of a dwelling house, garage, a proprietary waste water treatment system.
Location	Springfield , Sixmilebridge , Co Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	20244
Applicant(s)	Fiona Meehan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	David & Edel Halliday
Observer(s)	None
Date of Site Inspection	29 th December 2020
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. National Planning Framework – Project Ireland 2040 (DoHP&LG 2018)	7
5.2. Sustainable Rural Housing Development Guidelines 2005.....	8
5.3. Development Plan.....	8
5.4. Natural Heritage Designations	9
5.5. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	11
6.3. Planning Authority Response	12
6.4. Observations	13
6.5. Further Responses.....	13
7.0 Assessment	13
7.4. Principle	14
7.5. Traffic Impact	15

7.6. Residential Amenity 15

7.7. Visual Amenity 16

7.8. Wastewater Treatment..... 16

7.9. Appropriate Assessment 17

7.10. Other Issues 17

8.0 Recommendation..... 17

9.0 Reasons and Considerations..... 17

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.27ha is located in the rural townland of Springfield to the south west of Sixmilebridge. The site is bounded to the front by a stone wall which forms part of the boundary wall serving Springfield House located to the south of the appeal site. There are no boundaries delineating the rear or southern boundary of the site. There is a large, detached dwelling to the north with a traditional cottage directly opposite the site and across the road to the west. The immediate area is characterised by agricultural lands and one-off housing.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Planning permission was sought on the **9th April 2020** for the construction of a dwelling house (292 sqm), garage (40sqm), a proprietary wastewater treatment system and ancillary site works. The application was accompanied by the following:
 - Letter of connection consent from Deerpark GWS
 - Letter from landowner (Aisling Meehan & Brian Aherne) consenting to the making of a planning application
 - Site Characterisation Form
- 2.2. In response to a request for **further information** the applicant submitted the following on the **23rd July 2020** as summarised:
 - **Existing Wall & Sight Lines** – No requirement to adjust the roadside wall to the north of the site. Site layout attached indicating the extent of the existing wall to be adjusted.
 - **Finished Floor Levels** – Cross Section provided which includes a reduction in the floor level to 8.40.
 - **Flood Risk** – Surface water soakways including proposals to ensure surface water run off is diverted away from the site boundary to the north.

- **Landowner's Intention for Remaining Landholding** – Letter from landowner stating that they are facilitating Fiona Meehan with the site transfer as she is a friend and relative. Stated that there is no intention for future development on the remainder of the land holding which has road frontage.
- **Section 47 Agreement** – Letter from landowner (Aisling Meehan & Brian Aherne) stating that Springfield House is in need of repair and upgrade and that they may need to apply for planning permission to convert an existing building on the landholding to residential use to fund this. Therefore, requested that a Section 47 agreement being signed is not made a condition of this planning.
- Having noted the Clare County Council Environmental Department preference to locate the percolation area to the rear of the site amended proposals submitted. The response was accompanied by a Site Characterisation Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Clare County Council issued a notification of decision to grant permission subject to 12 no generally standard conditions. Conditions of note are as follows:

- **Condition No 2** requires that the dwelling when completed shall be occupied as the place of permanent residence by the applicant for a minimum of 7 years.
- **Condition No 4** requires that the existing road boundary be retained in its entirety except where its removal is required for the construction of an entrance.
- **Condition No 9** required that the proposed WWTP and percolation area / polishing filter be relocated at the north eastern site of the site (rear of proposed dwelling) and shall be installed and maintained in accordance with the details received on 9th April 2020.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their **first report** sought **further information** in relation to (1) existing wall and sight lines and finished floor levels, (2) flood risk and (3)

landowners intention for remaining landholding and applicants willingness to sign a Section 47 agreement. Further information was sought on the 15th July 2020.

- The **Case Planner** in their **second report** and having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Clare County Council reflects this recommendation.

3.2.2. Other Technical Reports – There are no reports available with the appeal file. However, it is noted from the Case Planers report that the **Environemnt Section** submitted a report by email which can be summarised as follows:

- Site is located in water body Cloverhillstream which is currently at Poor Status due to water quality decline. The river is at risk of not achieving water framework objectives which state that it must be improved and restored to good status. The site of the proposed dwelling is located close to the Cloverhill Stream at approx. 26m from the site boundary.
- The proposed system placed at the front of the site (at southwest part of the site) gives a setback of 32m from the river, whereas placing the system to the rear of the site increases the setback distance to over 90m.
- The proposed system should be installed at the rear of the dwelling (a secondary treatment system, stilling chamber and gravity fed soil polishing filter is proposed) as set out in the assessment report.
- Recommended to include the following in conditions:
 - 1) Secondary WWTS must comply with IS EN 12566, SR66
 - 2) Domestic WWTS must be installed according to EPA Code of Practise Wastewater Treatment and disposal systems serving single houses (PE<10)
 - 3) The applicant must use the services of a competent person to supervise the installation of the domestic WWTS
 - 4) A maintenance contract for the treatment system shall enter into
 - 5) Surface water drainage shall be diverted away from the WWTP

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

- 3.4.1. There are 2 no observations recorded on the planning file from (1) David & Edel Halliday, Apple brook, Springfield, Sixmilebridge (cottage directly opposite the proposed development) and (2) Eamonn Tuite, Willows, Springfield, Sixmilebridge (adjacent to the proposed development).
- 3.4.2. The issues raised relate to loss of privacy, traffic safety, the scale / massing size of the proposed residence, ribbon development, loss of light by reason of the location and height of the garage, flooding, impact to the integrity of the boundary wall, rainwater run off and relationship of the applicant.
- 3.4.3. It is noted from the Case Planners report that there were representations from 2 no Councillors. No further details are provided in the report or made available with the appeal file.

4.0 Planning History

- 4.1.1. There is no evidence of any previous planning application or subsequent appeal on this site.

5.0 Policy Context

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

- 5.1.1. The *National Planning Framework – Project Ireland 2040* (NPF) is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.1.2. **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 Development Guidelines 2005**

5.2.1. The *Rural Housing Guidelines* seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply, including 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

5.2.2. The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.3. **Development Plan**

5.3.1. The operative plan for this area is the **Clare County Development Plan 2017 – 2023**. Objectives and policies relevant to this case are as follows:

5.3.2. The site is located within an "**Area of Special Control**" (Strong Urban Pressure; Map 3B: Areas of Special Control refers) for which it is the policy of the planning authority under **Objective 3.11** to permit single house development for permanent occupation by persons from the locality and/or working full or part time in rural areas, or who have exceptional health or family circumstances.

5.3.3. The site location is within an a “**Working Landscape**” (Map 13A refers). Working Landscapes are those areas within Settled Landscapes that contain pockets of concentrated development or a unique natural resource. The Plan identifies two such landscapes in the County

- i. The Western Corridor - Ennis to Limerick Working Landscape
- ii. The Shannon Estuary Working Landscape

5.3.4. The appeal site is within the **Western Corridor Working Landscape** (all lands within 10km on either side of the N18/M18 – except as excluded by Heritage Landscapes) and contains the highest concentrations of population and employment and the strongest transport links and connectivity. According to **Objective 13.3** it is the policy of the planning authority to:

- a) To permit development in these areas that will sustain economic activity, and enhance social well-being and quality of life - subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- b) That selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards minimising visual impact;
- c) That particular regard should be given to avoiding intrusions on scenic routes and on ridges or shorelines. Developments in these areas will be required to demonstrate:
 - i) That the site has been selected to avoid visually prominent locations;
 - ii) That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads;
 - iii) That design for buildings and structures reduce visual impact through careful choice of form, finishes and colours and that any site works seek to reduce visual impact of the development.

5.4. **Natural Heritage Designations**

5.4.1. The site is not located within a designated Natura 2000 site. It is noted that the Lower River Shannon SAC (002165) is located c3.2km to the south of the site. The River

Shannon & River Fergus Estuaries SPA (004077) is also located c3.7km to the south of the site.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the appeal site proposed development. The need for environment 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

- 6.1.1. The third-party appeal has been prepared and submitted by David & Edel Halliday, Apple brook, Springfield, Sixmilebridge (cottage directly opposite the appeal site) and may be summarised as follows:
- The further information response is inadequate. The appellant never received copies of the further information. The Council advised that they didn't need to be copied as it was deemed to be insignificant. Copies were subsequently sent after the request.
 - The landowner has assured the Council that she has no intention of future development on the remainder of the land which has road frontage yet was requested to sign a Section 47, which would make this intention, legally binding. The appellant is concerned about this.
 - Noted that although the landowner has indicated that she is facilitating her cousin and friend in providing a site, this site was put on the open market with Barry Auctioneers in April 2019.
 - The public road is very narrow with tractors / HGVs having to give way and stop to allow traffic to pass. The volume / speed of traffic on the road is considerable and it is incapable of safely providing additional traffic movements. Should the development go ahead. It will lead to constant pull in of traffic in front of the

appellants house resulting in noise and loss of privacy given the proximity (2.5m) of the house from the roadside.

- The scale / massing of the proposed 3 storey house is totally out of context and is alien to the area. The finished floor area is overpowering relative to the cottage. Given the proximity of the cottage to the roadside (2.5m) together with the location of all three bedrooms located to the front, the cottage will be overlooked by the new house which will interfere with the appellants privacy and enjoyment.
- The landowner has a sizeable land holding with substantial road frontage and a large entrance to the lands further up the road which allows for a safer entrance to the lands.
- The sight lines proposed will require that the existing front stone wall be removed for a considerable distance, thus spoiling the continuity of this boundary wall to Springfield House Estate.
- There are discrepancies in the application form in relation to both the need of the applicant for this house and their relationship to the landowner.
- Requested that the application be refused on the grounds of serious intrusion on the appellants privacy and its significant effect on traffic safety, the scale / massing / size of the proposed residence is totally out of context / character to this rural area.

6.1.2. The appeal was accompanied by site photos, further information request,

6.2. Applicant Response

6.2.1. The first party response to the appeal was prepared and submitted by Cyril O'Reilly Design Ltd and may be summarised as follows:

- The appellants reference to their main private amenity space is noted. Having regard to the short distance from the dwelling to the public road and based on the PRAI map, the amenity area for this property is more likely to be the north and part of the south of the dwelling. Map attached.
- The road is in a rural area and is mostly used by local traffic and farmers. The addition of one dwelling will not have any significant effect on traffic movement and

volumes in this location. The photographs provided show a large agricultural vehicle passing the application site.

- The proposed dwelling is 2 storey and not 3 storey with a stairs to an attic with limited headroom. The design is sympathetic to the area with a front elevation that reflects the Irish farmhouse style.
- The proposed dwelling is located over 26m from the existing road edge and has a similar ridge level as the existing dwelling to the north. We could disagree that it could be overpowering having regard to the floor level and set back from the road that is proposed.
- The site was selected having regard to the Clare County Development Plan 2017 – 2023 which discourages the possible creation of infill sites (Objective CDP 3.13 refers). The dwelling in this location creates a small rural cluster in this area rather than a sprawl of dwellings
- The extent of adjustment to the existing stone wall is minimal as can be seen from the attached site layout.
- There are no discrepancies in the application form other than noting the applicant and the landowner are second cousins. The applicant fully complies with the Clare County Development Plan 2017 – 2023 CDP 3.11 for a single dwellings house in the countryside.
- In summary the Board is asked to uphold the decision of Clare County Council who fully evaluated this application, to ensure compliance with all aspects of the present County Development Plan and Local Rural policy.

6.3. Planning Authority Response

6.3.1. Clare County Council in their submission set out the following:

- In respect of traffic safety and the treatment of the front boundary the applicant clarified that it is not proposed to carry out works or in any way interfere with the front boundary wall north of the subject site which is within Halliday's ownership. It is proposed to lower the height of the wall fronting the subject site only.

- In respect of flood risk, the applicant has clarified that surface water will be managed by the construction of soakaways on site thus ensuring that there will be no movement of surface water northwards to the adjoining property.
- The comments regarding the land owners development intentions are noted. The Planning Authority is satisfied that the land owners development intentions relate to Springfield House and not to the road frontage adjacent to the subject site.
- The Planning Authority requests An Bord Pleanála to uphold the decision of the Council.

6.4. **Observations**

6.4.1. None

6.5. **Further Responses**

6.5.1. None

7.0 **Assessment**

7.1. This assessment is based on the plans and particulars submitted to Clare County Council on the 9th April 2020 as amended by plans and particulars submitted by way of further information on the 23rd July 2020.

7.2. I note the concerns raised in the appeal that the response to the further information request was inadequate. Together with my site inspection I am satisfied that there is adequate information on the appeal file to determine this appeal.

7.3. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Impact
- Residential Amenity
- Visual Amenity

- Wastewater Treatment
- Appropriate Assessment
- Other Issues

7.4. Principle

- 7.4.1. The site is located within an “Area of Special Control” (Strong Urban Pressure) for which it is the policy of the Planning Authority under Objective 3.11 (New Single Houses in the Countryside within the ‘Areas of Special Control’) to permit single house development for permanent occupation by persons from the locality and/or working full or part time in rural areas, or who have exceptional health or family circumstances.
- 7.4.2. Having regard to the information available the applicant would appear to merit consideration under Category A – Local Rural Person. There are 3 no criteria to be used in assessing applicants under Category A:
- 1) The applicant must come within the definition of a “Local Rural Person”
 - 2) The proposed site must be situated within their “Local Rural Area” and
 - 3) The applicant must have a “Local Rural Housing Need”
- 7.4.3. **Local Rural Person** – I refer to the planning application form. The applicant has lived in the family home at Kilmurray since 1984. I refer to the map accompanying the application showing the location of the applicant’s family home and the appeal site. The site is approx. 6km from the applicant’s family home. The applicant works in Shannon c15km from their home. Having regard to the information available with the appeal file I am satisfied that the applicant comes within the definition of a “Local Rural Person” i.e. a person who has lived permanently in the local rural area for a substantial period of their life.
- 7.4.4. **Local Rural Area** - The “Local Rural Area” for the purpose of this objective, is defined as the rural area generally within a 10km radius of where the applicant was born, living or has lived (for a substantial period of their life as per “local rural person”). As stated the applicant has lived in the family home at Kilmurray, Sixmilebridge (c6km from the site) since 1984. Accordingly, I am satisfied that the site is situated within the applicants “Local Rural Area”.

- 7.4.5. **Local Rural Housing Need** - I refer to the application form where it states that the proposed dwelling will be the applicants permanent place of residence, that they are purchasing the site from their cousin and that they have never owned a house or apartment. Accordingly, I am satisfied that the applicant has demonstrated a "Local Rural Housing Need".
- 7.4.6. The Case Planner was satisfied that the applicant qualified as a local rural person and that they have a housing need given that they do not own a house already in the rural area and the appeal site is located within her rural area. The Planning Authority's satisfaction that the applicant's circumstances satisfy eligibility criteria is considered reasonable and I support the conclusions that compliance with the Category A – Local Rural Person criteria has been demonstrated.

7.5. **Traffic Impact**

- 7.5.1. Concern is raised that that the public road serving the site is not capable of safely facilitating additional traffic movements associated with the proposed scheme by reason of width and alignment.
- 7.5.2. Together with my site inspection I am satisfied that subject to the implementation of the measures outlined in the application that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area.

7.6. **Residential Amenity**

- 7.6.1. Concern is raised that given the proximity of the appellants cottage to the roadside (2.5m) together with the location of all three bedrooms located to the front, the cottage will be overlooked by the new house resulting in a loss of privacy.
- 7.6.2. Having regard to the separation distance of over 35m between the existing and proposed house together with the reduction in floor levels as amended by way of further information I do not consider that significant overlooking would occur that would negatively impact on the privacy to such an extent that would merit a refusal of permission.

7.7. Visual Amenity

- 7.7.1. Concern is raised that the scale / massing of the proposed 3 storey house is out of character with the area.
- 7.7.2. Housing in the general area is characterised by large, detached dwellings reflecting a mix of design types and finishes. Having regard to Objective 13.3 I am satisfied that the proposed design has been well considered and has been suitably sited, designed and scaled to avoid appearing visually obtrusive or overbearing to neighbouring properties. Further the proposed house is set back in excess of 35m from the appellants dwelling. Overall, I consider the design response to be acceptable at this rural location. Accordingly, there is no objection to the proposed scale and design of the dwelling.
- 7.7.3. It would appear from the plans and particulars submitted that there is a stairs serving the attic area but that there is limited head room. In the interest of clarity, it is recommended that a condition be attached requiring that both the attic area in the house together with the garage area not used for human habitation.
- 7.7.4. Concerns raised with regard to the excessive removal of the roadside stone wall are noted. However, I am satisfied that the extent of intervention required in order to provide access to the site is minimal and that the overall integrity of this wall is maintained. I am satisfied that to permit this scheme would not detract from the visual quality of this vernacular roadside boundary.

7.8. Wastewater Treatment

- 7.8.1. It is proposed to construct a new WWTP on site. A Site Characterisation Report accompanied the planning application. Details of the proposed unit and associated soil polishing filter have been submitted based on the tests undertaken on the site. Two options are set for the location of the treatment plant and soil polishing filter. The application submitted in the first instance proposed to locate it at the front of the site. However, having regard to the report of Clare County Council Environment Report and concerns raised in relation to proximity to the Cloverhill Stream the applicant relocated the percolation area to the rear of the site. The revised submission was accompanied by a Site Characterisation Report. Condition No 9 of the notification of decision to grant permission reflects these amendments and the report of Clare County Council

Environment Section. The revised arrangements are considered acceptable subject to compliance with the requirements of the planning authority and the EPA guidelines.

7.9. **Appropriate Assessment**

7.9.1. Having regard to the nature and scale of the proposed development and its distance to the nearest 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.

7.10. **Other Issues**

7.10.1. **Development Contribution** - I refer to the Clare County Council Development Contribution Scheme 2017-2023. Section D - Reductions & Exemptions is not applicable in this case. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.10.2. **Surface Water** – As documented the site is not within a Flood Risk Zone A but is proximate to the Flood Risk Zone to the north. In response to a request for further information the surface water run off was diverted away from the site boundary to the north. These amended proposals are acceptable.

8.0 **Recommendation**

8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

9.0 **Reasons and Considerations**

9.1. Having regard to the Clare County Development Plan 2017 – 2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development objectives for the area, would be acceptable in terms of traffic and public safety and convenience, would not adversely affect the visual or residential amenities of properties in the vicinity and,

would be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 9th day of April 2020 as amended by the further plans and particulars submitted on the 23rd day of July 2020 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>Reason: In the interest of clarity</p>
2.	<p>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. 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.</p> <p>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.</p> <p>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.</p> <p>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</p>

	restricted in the interest of the proper planning and sustainable development of the area
3.	<p>a) The detached garage shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for commercial purposes or human habitation, sublet, sold separately, otherwise transferred or conveyed, except in combination with the dwelling.</p> <p>b) The attic in the main house shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for human habitation</p> <p>Reason: In the interest of clarity, the amenities of the area and the proper planning and sustainable development of the area.</p>
4.	<p>Prior to commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.</p> <p>Reason: In the interest of visual and residential amenity.</p>
5.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and hedgerow planting along the side and rear boundaries details of 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, following 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.</p> <p>Reason: In the interest of visual and rural amenity.</p>
7.	<p>The effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted with the planning</p>

	<p>application and in accordance with the requirements of “Wastewater Treatment Manual: Treatment Systems for Single Houses, (p.e. less than or equal to 10)”, published by the EPA in 2010 as supplemented by “Code of Practice Clarification” (20th February, 2012). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of clarity and public health.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of orderly development and public health</p>
10.	<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</p>

	<p>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.</p> <p>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.</p>
--	---

Mary Crowley

Senior Planning Inspector

21st January 2021