



An
Bord
Pleanála

Inspector's Report

ABP-308402-20

Development	Construction of two storey dwelling and ancillary site works.
Location	Moyleabbey, Ballitor, Athy, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	20569
Applicant(s)	Odhran Forrest
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Sean and Sandra Barrett
Observer(s)	None
Date of Site Inspection	29 th January, 2021
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area c.2km to the north east of Ballitore village. The site is currently in agricultural use and is accessed off a local road by an existing agricultural access. This local road is characterised by a bend located to the west of the site that restricts visibility to the west from the existing agricultural access.
- 1.2. The site is bounded by mature hedgerow and trees to the west. To the east, the boundary with the adjoining house is characterised by a hedgerow, though this boundary is less densely planted and affords less screening. The front boundary of the site is characterised by part timber fencing and part hedgerow.
- 1.3. The field from which the appeal site is taken slopes up from the public road towards the rear (south) of the site with a relatively level area approximately in the location of the proposed house. There is a low voltage overhead electricity line that crosses the site towards the front, running diagonally from the north west corner to a pole located adjoining the house to the east of the appeal site.
- 1.4. Surrounding development comprises an existing two storey house located on the adjoining site to the east. This house has a number of windows in the west facing gable that faces the appeal site. There is also a house located to the south of the site and which is accessed via a driveway that runs along the western boundary of the site. This house is the family home of the first party in this case.
- 1.5. The stated area of the site is 0.432 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey detached house with a stated floor area of 244 sq. metres. A detached garage of c.41 sq. metres is also proposed on the eastern side of the site. The house is proposed to be located behind (to the south) of the building line of the existing house to the east.
- 2.2. The house is proposed to be served by a new septic tank which would be located close to the north west corner of the site. Water supply is proposed to be via a new bored well that would be located at the south east corner of the site.

2.3. Access to the site is proposed to be via a new shared access located at the eastern end of the road frontage. This entrance is proposed to be a shared access, with a significant set back from the road accommodating a new agricultural access and access track along the eastern boundary of the site that would access remaining agricultural lands to the south of the site, and a new access for the proposed house. The existing agricultural access located at the midpoint of the site frontage is proposed to be closed.

3.0 Planning Authority Decision

3.1. Further Information

Prior to the issuing of a decision, the Planning Authority requested three items of further information that can be summarised as follows:

- Revised layout of the house to increase the separation to the adjoining house to the east.
- Proposals for the overhead electricity lines that cross the site, measures for relocation of traffic signs fronting the site and also sight lines at the entrance.
- Comments on the third party observation received.

The following is a summary of the main information / alterations to the layout proposed:

- A revised site layout submitted which indicates the house relocated further to the north / north west by c. 10 metres.
- Stated that the power line is low voltage and would be c.15 metres from the proposed house. Issues regarding the access and the existing traffic sign discussed with the area engineer.
- Comment provided regarding the scale / contiguous elevation that would result from the development and how it fits the surroundings, that there would not be any increase in use of the access by agricultural vehicles and that the location of the house has been revised to prevent overlooking.

3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 11 no. conditions, of which the following are specifically noted:

Condition 2 comprises an occupancy condition limiting the first occupancy of the house for a minimum period of 7 years to the applicant.

Condition No. 7 requires that sight lines to be provided as indicated in the submitted drawings and that the front verge of the site to be kept free from obstructions.

Condition No.10 requires that the development be connected to a septic tank system that shall be designed and constructed in accordance with the EPA Code of Practice and that construction of the system shall be supervised by a suitably qualified engineer who is familiar with the site characterisation form.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Initial report notes proximity of proposed house to the existing dwelling to the west as well as issues raised in internal reports regarding the access. Further information consistent with the request issued is recommended. Second Planning Officer report, subsequent to the submission of further information, recommends a grant of permission consistent with the Notification of Decision which issued.

3.3.2. Other Technical Reports

Area Engineer – Initial report recommends further information relating to sight lines at the access. Second report states that no objection.

Roads – No objection.

Environment – No objection subject to conditions.

Water Services – No objection subject to conditions.

Heritage Office – No objection.

3.4. Prescribed Bodies

Irish Water – No objection.

3.5. Third Party Observations

A third party observation was submitted to the Planning Authority by the resident of the adjoining house to the east of the site. The main points raised in this submission related to:

- Elevated nature of the site and lack of clarity around levels of the house,
- Inaccuracies in layout of adjoining properties as shown on plans,
- Potential overlooking of house to the east due to proximity and relative building line.
- Noise from the creation of a new agricultural access.

4.0 Planning History

Kildare County Council Ref. 19/746 – Permission granted by the Planning Authority for the construction of a two storey house, garage and effluent treatment system on site to the west of the current appeal site. The applicant in this case is the brother of the first party.

5.0 Policy Context

5.1. National Planning Framework

National Policy Objective 19 of the NPF states as follows:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

In rural areas elsewhere, 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. Planning Guidance

The *Sustainable Rural Housing Guidelines for Planning Authorities* issued by the Department of the Environment, Heritage and Local Government in April 2005 sets out a number of policy aims relating to rural housing and how rural housing should be addressed in development plans and the development management process. The guidelines distinguish between areas that are under urban pressure and other rural areas and state that '*People who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urban-based pressures.*'

The appeal site is located in Zone 1 as set out in the county development plan which indicates the areas that are under urban influence.

5.3. Development Plan

The site is located in a rural area outside of any settlement and therefore the rural housing policies contained in the *Kildare County Development Plan, 2017-2023* are applicable.

The site is located within Zone 1 for the purposes of rural housing policy as set out in paragraph 4.12.6 of the plan. The relevant plan policies are RH2 which sets out the relevant category of applicant in Zones 1 and 2 who will be favourably considered for rural housing (Table 4.3), Policy RH9 which sets out a number of design and siting criteria that have to be complied with and Policies RH10 and RH12 that relate to piecemeal and ribbon development respectively. Copies of these policies are attached with this report.

5.4. Natural Heritage Designations

The site is not located within or close to any European sites. The closest such sites to the appeal site are the River Barrow and River Nore SAC (site code 002162) which is located c.5km to the north west of the appeal site at the closest point and the Slaney River Valley SAC (site code 000781) which is located approximately 14 km to the south east at the closest point.

5.5. EIA Screening

Having regard to the scale and nature of the proposed development and its separation from environmentally sensitive locations, 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

The following is a summary of the main issues raised in the third party appeal received:

- That compliance with the rural housing policy of the council is not clear particularly given the secrecy around the applicant circumstances and the compliance with the policy.
- That the viability of permitted residential developments in Athy is jeopardised by permissions for houses in the countryside.
- That there is a bend in the local road in the vicinity of the site that restricts visibility at the site access.
- There would be potential conflicts between drivers heading east on the local road and traffic waiting to turn into the site and traffic exiting the site.

- That policy RH14 of the Plan points to the applicant being able to build a house to the rear of the house permitted to his brother under Ref. 19/746.
- That the house could have been located beside the family home and could have used a shared access arrangement with this house. This arrangement is considered in Policy RH13.
- That the height of the proposed house (c.8.1 metres) and the height of the house above the road (FFL c. 3 metres above road level) then the house would be very prominent. The house would be very visually prominent and intrusive from the appellant's property.
- That the development would lead to overshadowing and overlooking of the appellants property. The rear garden of the appellants house would be overlooked by the bedrooms in the proposed new house.
- That the volume of traffic will increase when the entrance is a shared agricultural and residential one.

6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That the council considered the application in the context of the rural housing policy and also national Policy Objective 19 and considered that the application was acceptable and met the requirements.
- That the document submitted by the applicant to the planning authority that shows compliance with the plan is by its nature private and sensitive.
- That references to policies and objectives contained in the Athy Town Plan are not relevant as the site is outside of the town.
- The applicant has demonstrated compliance with the rural housing requirements of the plan and the statement of the appellant that the permission puts the viability of developments within the town is not supported.
- That the available sight lines at the entrance are 150 metres to the east and 90 metres to the west.

- It was confirmed to the Planning Authority that there would be no increase in agricultural traffic through the shared entrance to the site.
- That the suggestion that the house should be constructed to the rear of the applicant's brothers house (permitted under Ref. 19/746) would result in backland development.
- That the impact of the development on the appellant's property was considered in the application and the layout revised on the suggestion of the Planning Authority. The house is of a similar scale to others on surrounding sites. There would not be any issues of overlooking or overshadowing.

6.3. Planning Authority Response

The following is a summary of the main issues raised in the submission received from the Planning Authority:

- That the local need assessment regarding the application was undertaken under private cover due to GDPR requirements.
- That the applicant's circumstances were assessed under Policy RH2 of the Plan and National Policy Objective 19 of the NPF and the planning authority is satisfied that the applicant meets the requirements set out.
- That neither the Road Design Section nor area engineer have any objection to the proposed development.
- That the revised layout submitted as part of the response to further information means that there is no scope for overlooking or loss of amenity to surrounding properties. .

6.4. Further Responses

The application was referred by the Board to the Development Applications Unit of the Department of Culture Heritage and the Gaeltacht, however no response was received.

7.0 Assessment

7.1. The following area considered to be the main issues in the assessment of the subject appeal:

- Principle of Development and Compliance with Housing Policy
- Design and Impact on Residential Amenity
- Site Servicing
- Access
- Other Issues
- Appropriate Assessment

7.2. Principle of Development and Compliance with Housing Policy

7.2.1. The appeal site is located in a rural area that is outside of any settlement and such that the rural housing provisions of the county development plan are applicable. The site is located within Zone 1 for the purposes of rural housing policy as set out in 4.12.6 of the Kildare County Development Plan, 2017-2023. The relevant policy is Policy RH2 which sets out the category of applicant in Zones 1 who will be favourably considered for rural housing (Table 4.3).

7.2.2. With regard to compliance with rural housing policy, I note the comments in the third party appeal with regard to the lack of information with regard to the applicant's compliance with the rural housing policy and the reference by the first party and planning authority to GDPR compliance as the basis for the withholding of information. On foot of a request from the Board, a copy of the rural housing documentation has been received from the Planning Authority. This documentation indicates that the first party meets the requirements of Category 2 of the list of persons set out in Table 4.3 of the Plan, these being persons who are a member of the rural community. The wording of Zone 1, category 2 refers to *'Persons who have grown up or spent substantial periods of their lives (12 years) living in the rural area of Kildare as members of the rural community and who seek to build their home in the rural area on their family landholding and who currently live in the area.'*

Where no land is available in the family ownership, a site within 5km of the original family home may be considered.'

- 7.2.3. In the case of the first party, the application is being made on lands that are in the ownership of the family (parents of the first party). The first party has submitted documentary evidence that they went to school in the local area (primary and secondary education) and that they resided in their parent's address (Moyleabbey) at the time of their birth and during their education. Further documents submitted indicate that the recent (2019) address of the first party is the family home at Moyleabbey. On the basis of the information presented, I consider that the first party complies with the rural housing policy requirements of the council as set out in Policy RH2 and Table 4.3 of the development plan.
- 7.2.4. While the basic requirements set out in Policy RH2 of the Plan appear to be met, I note the fact that the first party is currently employed as a member of An Garda Siochana and based in Tallaght, in excess of 50km from the appeal site. While correspondence has been submitted indicating that it is the aim of the first party to get a transfer to a station closer to the site, this is not currently possible due to the Covid 19 situation. In any event, no such transfer can be assumed. It could therefore be argued that the first party has not established a demonstrable economic need to live in a rural area as cited in ***Policy Objective 19 of the National Planning Framework (NPF)***. Similarly, it could be argued that while the applicant has resided with his parents in the local area for what appears, on the basis of the information presented, to be a period of time such that he meets the requirements of Category 2 in Rural Zone 1, he has not demonstrated a clear social need to reside in this area, such as the need to care for family members. In my opinion however, the NPF is a high level document that is primarily addressed at Planning Authorities who have responsibility, through the development plan, to implement these policies in practice. In the case of the Kildare County Development Plan, the wording of Policy RH2 sets out requirements relating to employment / economic requirements (Category 1) or social requirements / being a member of the rural community (category 2) and the requirements included in the plan policy are in my opinion consistent with Policy Objective 19. As detailed above, the applicant has in my opinion demonstrated compliance with Category 2 (being a member of the rural community) and such that

it is not in my opinion possible to state that the proposed development is clearly inconsistent with the provisions of Planning Policy 19 of the NPF.

- 7.2.5. Policies RH10 and RH12 of the development plan relate to piecemeal and ribbon development respectively. While there is an extant permission granted by the council for the construction of a dwelling for the brother of the first party on lands to the west of the current appeal site and in the vicinity of the family home, I do not consider that this dwelling and the proposed dwelling would combine to give rise to ribbon development or to what could reasonably be described as piecemeal development. Similarly, the suggestion of the third party that the proposed house would be better suited located set back from the road on family lands to the west is noted, however it is not clear that there is a suitable site available in this location. In any event, the requirement is to assess the proposed layout as submitted in the current application.
- 7.2.6. I note the reference in the third party appeal to Athy and to the fact that the form of development proposed would have a negative impact on the viability of developments within such urban settlements. The Sustainable Residential Development Guidelines, the County Development Plan and the NPF all seek to encourage the development of rural towns and villages and distinguish between areas under urban influence and other rural locations. Within areas under urban influence, such as the appeal site, policy seeks to permit rural development that has an economic and social need to reside in the rural area, with other development being focussed in the existing settlements. As set out above, I consider that the applicant has established a social need to live in this rural area as defined by the policies contained in the adopted development plan (Policy RH2) which I consider to be a reasonable interpretation of the requirements of the NPF and regional Planning Guidelines. For this reason, and in the circumstances of the current appeal, I do not agree with the third party that the development should be refused permission on the basis of having a detrimental impact on established settlements including Athy.
- 7.2.7. The comments of the third party appellant that compliance with the rural housing policy of the council is not clear given the secrecy around the applicant circumstances are noted, however details of the applicant's submission to the Planning Authority regarding compliance with the rural housing policy has been

forwarded to the Board for consideration. This information has been considered in this assessment and recommendation.

- 7.2.8. Finally, I note the fact that condition No.2 attached to the Notification of Decision to Grant Permission issued by the Planning Authority comprises an occupancy condition limiting the first occupancy of the house for a minimum period of 7 years to the applicant. Given the location of the site in an area of urban influence, it is recommended that in the event of a grant of permission an occupancy condition would be attached.

7.3. Design and Impact on Residential Amenity

- 7.3.1. The third party appellants contend that the location, scale, and floor level of the proposed house on the appeal site is such that it would have a negative impact on the residential amenity of their property by virtue of overlooking and overshadowing. The proposed house is a large two storey design with an overall height of c.8.1 metres above ground level. The submission made by the third party appellants to the planning authority raised concerns with regard to overlooking in particular and, as initially proposed, I would agree that there was potential for overlooking to arise due to the significant variation in building line between the appellants property and the proposed house on the appeal site. This potential for overlooking was exacerbated by the relatively sparse vegetation along the eastern boundary of the appeal site separating it from the appellants property and due to the finished floor level (FFL) of the proposed house being at least 1.0 metres higher than that of the appellant's house.
- 7.3.2. On foot of a request for further information the footprint of the proposed dwelling was relocated c.9 metres further north on the site and c.5 metres to the west. The effect of this change has been to reduce the variation in FFL between the two properties although the exact relative levels are still not completely clear from the submitted drawings. In my opinion, the revised footprint also successfully mitigates any potential overlooking of the appellants house and private garden by virtue of the building lines being more consistent and also due to the design of the proposed house that does not have any first floor windows that would face the appellants property.

- 7.3.3. The relocation of the house on the site also has the effect of moving the footprint of the house further downslope. Detailed FFLs are not indicated in the further information submitted, however I estimate that the FFL of the house would be between 2 and 3 metres above the road level at the site entrance. The concerns of the third party regarding visual prominence are noted, however the scale of the proposed house and the visual impact of the house from the wider area would not in my opinion be excessive.
- 7.3.4. The concerns of the third party regarding overshadowing are noted however the separation distance between the proposed house and the site boundary is a minimum of 20 metres and such that no issues of overshadowing would arise. Similarly, the single storey garage would have an apex height of c.6.2 metres and such that at a separation distance of c.6.0 metres from the boundary with the appellants property that no issues of overshadowing would arise.
- 7.3.5. The presence of a power line crossing the site was noted at further information stage. This line is a low voltage one and crosses the site from a position close to the appellants house on the eastern site boundary running west towards the far north west corner of the site. As noted by the first party, this power line is low voltage and would be located a minimum of c.15 metres from the proposed house (revised location) and such that it is my opinion that no negative issue of amenity arise.
- 7.3.6. While large, the basic design of the proposed dwelling is considered to be acceptable. Finishes are proposed to comprise a mixture of render with slate to the main roof and a bitumen roof membrane to the single storey rear element.

7.4. Site Servicing

- 7.4.1. The site is proposed to be drained by a standard septic tank system and water supply via a bored well. The results of the Site Suitability Assessment undertaken indicate that the site is suitable for the proposed septic tank system with a T test result of 50.25 and P test result of 5.7 although it is noted that the result of the T tests undertaken varied significantly ranging from 6 to 116.

7.4.2. From my inspection of the site I consider that ground conditions appeared satisfactory with no evidence of particularly slow drainage. The trial hole remained open and while there was some water observed in the bottom of the hole, the inspection was in January and it had been raining immediately prior to my visit. Overall, on the basis of the results presented and my inspection of the site I consider that the results presented are consistent with the site conditions observed and that the appeal site is suitable to accommodate a septic tank and percolation area.

7.5. Access

7.5.1. The third party appellants highlight the fact that here is a bend in the local road in the vicinity of the site that restricts visibility at the site access. They also raise concerns that there would be potential conflicts between drivers heading east and traffic waiting to turn into the site and traffic exiting the site. The concerns regarding the visibility at the proposed entrance and specifically to the left hand side of the entrance were noted in the initial report on file from the Council's area engineer and were raised in the first party response to the request for further information.

7.5.2. Drawings submitted as part of the response to further information indicate a sight line of 90 metres to the left hand side of the entrance and a sight line of 150 metres to the east. From my observations of the site, visibility to the right hand side when exiting is acceptable. To the left hand side however, sightlines are restricted firstly by an existing road traffic sign which can be relocated, and also by the proximity to the bend in the local road to the west of the proposed entrance. The sight line drawing submitted as part of the response to further information indicates the 90 metre sightline drawn to the near edge of the carriageway, however in the layout as exists on site, the available visibility from the entrance to vehicles travelling east towards the site would be less than illustrated.

7.5.3. By my estimation, the available sightline to the centre of the west bound lane would be c.75 metres and a similar distance for the sight stopping distance for traffic travelling east along the road towards the proposed entrance. Both these distances are therefore slightly below the recommended minimums as set out in the relevant TII DMRB which has a general requirement of 90 metres. Some slight increase in the sightline to the west could be achieved with a redesign of the proposed shared

entrance comprising a reduction in the width of the recessed area and such a layout could result in a sightline of in excess of 80 metres. Given the low traffic volumes on the road and the effect of the bend to the west in slowing traffic speeds I consider that a sightline of 80 metres is acceptable in this instance. On this issue, I also note that the Council's area engineer and the Road design section both considered that proposals for access to the site were acceptable.

- 7.5.4. I note the concerns expressed by the third party appellant with regard to the intensification of use of the proposed entrance. The entrance will accommodate residential as well as agricultural traffic however on the basis of the information supplied by the first party, no increase in agricultural traffic will arise.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

9.0 Reasons and Considerations

Having regard to the design and layout of the proposed development, to the circumstances of the applicant and to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would be consistent with the rural housing policy as set out in the *Kildare County Development Plan, 2017-2023*, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 31st day of August, 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.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall

enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

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

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

3. Prior to the commencement of development, the applicant shall submit revised details of the access and front boundary treatment for the written agreement of the Planning Authority. These details shall include the following:
 - (a) Reconfiguration and relocation of the proposed shared recessed entrance serving the dwelling as far east along the site frontage so as to maximise the available sightline to the west towards the oncoming carriageway.
 - (b) Proposals for the relocation of the existing roadside sign located in the verge fronting the site.
 - (c) Details of the proposed front boundary treatment to the site including recessed entrance.

Reason: In the interest of traffic safety.

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. The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

6. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

7. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of amenity and

8. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

9. 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. This scheme shall include the following:

- (a) the establishment of a hedgerow or infill of existing gaps in boundary planting along all side and rear boundaries of the site, and

(b) proposals for landscaping within the boundaries of the site.

Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The developer shall pay to the planning authority a financial contribution of €14,826.90 (Fourteen thousand eight hundred and twenty six euro and ninety cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Stephen Kay
Planning Inspector

1st February, 2021