



An
Bord
Pleanála

Inspector's Report ABP-308421-20

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| Development | Construct a two-storey dwelling house, domestic garage, treatment unit/polishing filter and all associated site works. |
| Location | Mondaniel Townland, Rathcormack, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 20/4761 |
| Applicant(s) | John Paul Murphy |
| Type of Application | Permission |
| Planning Authority Decision | Refusal |
| Type of Appeal | First Party -v- Decision |
| Appellant(s) | John Paul Murphy |
| Observer(s) | None |
| Date of Site Inspection | 17 th February 2021 |
| Inspector | Hugh D. Morrison |

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1.0 Site Location and Description

- 1.1. The site is located 2.8km to the south of Junction 15 of the M20 (Fermoy South) and 1.3km to the north of the village of Rathcormack. This site lies to the west of the L5771, which is accessed off the R639 to the south-east. The initial east/west portion of the local road is the subject of ribbon development. The subsequent north/south portion is surrounded by farmland, although within the vicinity of the site there is a cluster of old and new dwelling houses. The River Shanowen and the M8 are further to the west.
- 1.2. The main body of the site is of regular shape and it extends over an area of 0.2832 hectares in the south-eastern portion of its host field. Its southern and eastern boundaries are denoted by hedgerows, which abut a field and an un-used roadside site. The remainder of the site encompasses the initial portion of the existing means of access from the local road to the applicant's agricultural building in the western portion of his landholding. This portion passes between a short cul-de-sac with new housing around it to the north and the curtilage to a bungalow to the south. The subsequent portion passes through the host field to the main body of the site. It is accompanied to the east by the curtilage to the bungalow, too.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a two-storey four-bed dwelling house (206 sqm) and a freestanding double garage (25 sqm). This dwelling house would be sited towards the north-western corner of the main body of the site and it would be orientated on a north north-east/south south-west axis. The dwelling house would be of rectangular form under a double pitched slated roof and its design would incorporate a rear balcony. The garage would be sited to the south of this dwelling house.
- 2.2. The proposal would also entail an extension to the existing means of access and the dwelling house would be served by a new connection to the public mains water supply, an on-site waste water treatment system, and soakaways. This system would comprise a 6 PE Eurobio secondary treatment system with a Circle 7 filter with pumping of the treated effluent to a raised 38.5 sqm gravel attenuation bed, which would be sited in the south-eastern corner of the site.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

- 1. The proposed development, in conjunction with existing and permitted development in the area, would result in an unacceptable density of development in a rural area where public sewerage facilities are not available and where there is a severe risk to ground water contamination from increasing the number of foul treatment systems. The proposed development would therefore be prejudicial to public health and contrary to proper planning and sustainable development of the area.*
- 2. The proposed development would endanger public safety by reason of traffic hazard because sight distance at the entrance is restricted to the south and movement of traffic onto the adjoining public road would interfere with the safety and free flow of traffic on that road. Also, the local road junction with the R639 is dangerous and is high speed without a dedicated right turn lane.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner accepted that under criterion (c) of Objective 4-2 of the CDP the applicant, who farms his landholding part-time and who is engaged full-time in farm-related work with Teagasc, qualifies for a rural dwelling house on the site. Likewise, the development of what is a backland site is considered acceptable in this instance, where no road frontage land exists within the applicant's ownership and where access would be available off his existing agricultural access road. Nevertheless, refusal was recommended on the engineering grounds outlined in the reasons for refusal.

3.2.2. Other Technical Reports

- Irish Water: No objection: Standard observations.
- Cork County Council:
 - Liaison Officer: No comments.
 - Area Engineer: Objects, see reasons for refusal.

4.0 Planning History

Site:

- 07/11204 Two-storey dwelling, garage, and treatment unit: Refused on the grounds of excessive concentration of haphazard residential development, backland development, and poor sightlines.
- 19/5815: Similar proposal to the current one: Withdrawn.

Elsewhere on the applicant's adjoining land:

- 06/7270: Dwelling and garage: Refused on the grounds of excessive concentration of haphazard residential development and poor sightlines.
- 06/11004 Dwelling and garage: Refused on the grounds of proliferation of septic tanks/risk to wells, excessive concentration of haphazard residential development, and backland development.
- 07/6529: Cattle shed with slatted area, silage yard, and associated site works: Permitted and implemented.

(All of the above applications were made by the current applicant).

5.0 Policy and Context

5.1. National Planning Framework

Objective NPO 19 states the following:

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.

5.2. National Planning Guidelines

Sustainable Rural Housing Guidelines

5.3. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within the Greater Cork Ring Strategic Planning Area and in a Rural Area Under Strong Urban Influence. Objective RCI 4-2 sets out criteria for assessing rural housing proposals in Rural Areas Under Strong Urban Influence and Objectives RCI 6-1 and RCI 6-2 address the design and landscaping of new dwellings in rural areas and the servicing of such dwellings.

5.4. Natural Heritage Designations

- Blackwater River SAC (002170)
- Great Island Channel SAC (001058)
- Cork Harbour SPA (004030)

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by outlining that his present place of residence is in Glanmire and his workplace is in Fermoy. Commuting between these two places and attending to livestock on his landholding at Rathcormack means that he typically travels 600 km a week. He proceeds to cite national, regional, and local planning policies, which address climate change, and which would be furthered by his proposal and the reduction in travel and the change of mode to bicycle that it would facilitate. He also draws attention to three letters of support, which he has received from the IFA, a local councillor, and his nearest neighbour, who is also a member of Rathcormack Community Council. This third letter addresses, amongst other things, the question of local flooding, which has evidently eased in recent years, due to changes in road drainage brought about by the M8 and improvements to a culvert adjacent to the junction between the R639 and the L5771. It also refers to a local incidence of replacing older septic tanks with newer more efficient and effective waste water treatment systems.

The applicant proceeds to respond to the reasons for refusal as follows:

In relation to the first reason for refusal:

- Attention is drawn to the EPA's classification of local ground water as "good" in its assessment dated 2010 – 2015. Attention is also drawn to the local geology, which is such that the risk posed to ground water is not "severe".
- With respect to the risk that additional pollutants maybe conveyed to local wells and watercourses, the proposed waste water treatment system would comprise secondary and tertiary stages and so the discharge from it would be of a high quality with corresponding implications for the level of risk. Nevertheless, if it is deemed to be necessary, the applicant is prepared to include the additional safeguard of an ultra-violet light treatment,
- The Planning Authority has granted permission for a number of dwelling houses in the area surrounding the site in recent years. It has powers, under the Water Services Act, 2007 – 2012, to take enforcement action against instances of pollution.
- The applicant's Hydrologist's Report provides the following advice:
 - The free-draining sub-soils underneath the site are such (T value of 2.86) that lateral movement to watercourses would not occur.
 - There are no obvious targets at risk within a projected 100-day travel time of the proposed percolation area.
 - The nearest well would be 102m away, up gradient, and within a zone of contribution removed from the proposed percolation area.
 - At the appeal stage, the applicant's hydrologist has submitted an Addendum Report, which addresses the issue of proliferation. This Report concludes that there are no public health or environmental grounds for opposing the proposal.

In relation to the second reason for refusal:

- Precedent exists for permitting new dwelling houses off the local road to the site, i.e. three dwelling houses were permitted under 13/6268.
- The applicant's Access Report indicates that, under the proposal, the traffic generated by the site/applicant's landholding would experience a net

reduction, as the applicant would not have to journey to and from his land to tend livestock.

- The Access Report comments upon the L5771 to the effect that its straight alignment in the vicinity of the subject access ensures that forward visibility is good, it is lightly trafficked, and vehicular speeds are low.
- The Access Report comments upon the junction between the R539 and the L5771 to the effect that sightlines available to road users exiting from the local road are good, i.e. in excess of 215m in either direction. This regional road has a relatively low volume of traffic and a low accident rate. Given the projected reduction in traffic movements by the applicant during busy farming periods, its use under the proposal should not be opposed.
- The Access Report comments upon sightlines from the subject egress: Contrary to the Planning Authority's second reason for refusal, the southerly sightline is good, due to the 2m set back that accompanies the adjacent residential frontage. Furthermore, relevant TII minimum sightline and stopping distances would be exceeded on that portion of the L5771 concerned.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

- 7.1. I have reviewed the proposal in the light of the National Planning Framework 2040, the Sustainable Rural Housing Guidelines, the Cork County Development Plan 2014 – 2020 (CDP), relevant planning history, the submissions of the parties, and my own

site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural housing policy,
- (ii) Visual and landscape impacts,
- (iii) Traffic and access,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Rural housing policy

7.2. Under the CDP, the site is shown as lying within a rural area under strong urban influence. Applicants for rural housing within this area must come within one of the categories set out in Policy Objective RCI 4-2.

7.3. The applicant has submitted a supporting letter and he has completed a supplementary planning application form. The information set out in these documents can be summarised as follows:

- The applicant is originally from a farming background in Knockhaha, East Cork, 15km to the south of the site.
- The applicant is a full-time Research Experimental Officer at the Teagasc Livestock Research and Innovation Centre at Moorepark, which is situated adjacent to Junction 14 (Fermoy North) on the M8, 8.2km to the north of the site. He has held this post since 2002. It entails responsibility for animal nutrition, reproduction, and grassland systems and it involves responsibility for up to 650 livestock and the need to be on call 24 hours a day.
- The applicant has an 8-hectare farm at Mondaniel, which he acquired in 2006 and which carries up to 70 livestock. He also needs to be on call for his own livestock. He has invested in his farm, e.g. an agricultural livestock building has been constructed, and he has planted trees and hedgerows.
- The applicant has resided at his current address in Glanmire for the last 11 years. He confirms that he does not own a residential property and he has not previously obtained planning permission for a rural dwelling house or built such a house.

- 7.4. The applicant does not select one of the categories under Policy Objective RCI 4-2. The case planner expressed the view that the he “broadly complies” with Category (c) which states, “Other persons working full-time in farming...for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.” Another Category, (b), which states “Persons taking over the ownership and running of a farm on a full-time basis...” was not cited by the case planner, presumably because the applicant does not work full-time on his own farm.
- 7.5. The Sustainable Rural Housing Guidelines discusses rural generated housing need. It states that persons working full-time in farming or other occupations that are intrinsically linked to rural areas have such a housing need.
- 7.6. The applicant is a full-time Research Experimental Officer at the Teagasc Livestock Research and Innovation Centre at Moorepark and a part-time farmer of his own 8-hectare farm. His full-time role is in agricultural research and it involves the care/supervision of livestock. I, therefore, consider that he could be said to work full-time in farming. (His 8-hectare farm would be too small to afford the prospect of full-time employment).
- 7.7. Moorepark is in the green belt to the north-east of Fermoy. It is 8.2km away from the applicant’s farm/site, a distance that stretches the term “local rural area”. That said, it is understandable that he would want to build a dwelling house on his own farm, to facilitate its running. In these circumstances, I concur with the case planner’s description that he would broadly comply with Category (c).
- 7.8. I conclude that the applicant has a rural generated housing need.

(ii) Visual and landscape impacts

- 7.9. Under the CDP, the site lies within the Landscape Character Type 6c “Broad Fertile Lowland Valleys”, within which the landscape value and sensitivity are medium and the landscape importance is local. Under Objective RCI 6-1(a) of the CDP, the Planning Authority undertakes to “Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and fit appropriately into the landscape.”
- 7.10. The site and indeed the applicant’s farm do not have any roadside frontage. Consequently, the opportunity to site the proposed dwelling house along the local

road that serves this farm does not arise. The site, therefore, of necessity lies within a backland position: The main body would lie to the rear of an un-used roadside site and the proposed driveway would lie to the rear of an existing housing plot with a bungalow upon it.

- 7.11. Elsewhere, in the surrounding area, dwelling houses are sited along the roadside, with the exception of a development to the north of the site of a short cul-de-sac, which serves three housing plots. (These plots were granted permission on the basis that they would replace a piggery). The first of these plots has been developed to provide a dwelling house, the east north-eastern side elevation of which presents to the local road. The second plot is presently under development to provide a dwelling house that would be sited to the west south-west of the first dwelling house. The third plot is opposite the second one and it has yet to be developed.
- 7.12. Insofar as the permitted dwelling houses for the second and the third plots would extend to the west, the proposed dwelling house, which would lie to the south south-east, would align roughly with them. The existing bungalow to the north-east of the main body of the site lies within a roadside plot and so the proposed dwelling house would occupy a recessed position in relation to this bungalow and to the rear of an adjoining unused roadside plot of land. Within the context of the permitted dwelling houses and the existing bungalow, the proposed dwelling house would “read” as being part of this cluster of dwelling houses from the local road and so the visual and landscape impacts of developing what is a backland site would be eased.
- 7.13. The case planner took the view that, given the applicant’s rural generated housing need, and in the absence of any roadside site on his farm, the backland position of the proposed dwelling house could be acceded to. In this respect, the landscaping afforded by a row of conifers would help screen the site.
- 7.14. The applicant’s rural generated housing need arises from his full-time employment rather than his part-time employment. This employment is a considerable distance away and so the acceptance by the Planning Authority of the proposed siting of his dwelling house on his small farm was based on the practical assessment that this would facilitate its running. I concur with this view.

7.15. Under the Cork Rural Design Guide, advice is given on, among other things, the design of new dwelling houses in the countryside. The design of the proposed dwelling house would depart from this advice at several points. Thus,

- The specification of neo-Georgian windows in the principal elevation, and
- The specification of a chimney that would be freestanding above the eaves level.

The former could be remedied by the re-specification of the neo-Georgian windows and the latter could at least be eased by centring the chimney on the side elevation.

7.16. I conclude that, while the site occupies a backland position, the visual and landscape impacts of the proposal would be eased by the presence of existing and emerging dwelling houses nearby. I conclude, too, that the design of this dwelling house would, subject to certain re-specifications, be satisfactory.

(iii) Traffic and access

7.17. The proposal would generate traffic movements at the junction between the R639 (100 kmph speed zone) and the L5771 and along the L5771 to the site. The Planning Authority refused this proposal on the grounds that it would (a) increase traffic movements at this junction, which is not served by a right hand turning lane, and (b) the access to the laneway to the site from the local road is served by a restricted southerly sightline and additional traffic movements at this access would “interfere with the safety and free flow of traffic”.

7.18. The applicant has responded to these grounds by commissioning an Access Report, which contends that the proposal would lead to a net reduction in traffic movements as the applicant would not need to travel to and from the site to tend his livestock. Such reduction would be most pronounced during busy periods, such as lambing and calving. It also addresses each of the grounds as follows:

- The sightlines/forward visibility available at the junction between the R679 and the L5771 are good and in excess of the required 215m. The R679 has a relatively low volume of traffic (16000 vehicles per day) and a low accident record.

- The sightlines/forward visibility available at the access off the L5771 are good, due to the relatively straight alignment of the local road and the presence of deep verges to the north and south of the access.

7.19. I acknowledge that the applicant's attendance at his farm generates traffic movements at present and so, under the proposal, a net change would occur in traffic movements as a result of his residence "on-site". I am not necessarily persuaded that this would be a net reduction: However, I accept that existing traffic movements should be taken into account in assessing overall traffic movements.

7.20. During my site visit, I observed both junctions and their respective sightlines. I am satisfied that they facilitate good visibility at these junctions.

7.21. I conclude that the traffic generated by the proposal would be capable of being accommodated satisfactorily at the junctions between the R657 and the L5771 and between the access laneway to the site and the L5771.

(iv) Water

7.22. The proposed dwelling house would be the subject of a new connection to the public mains water supply and surface water run-off from it would be discharged to soakaways in the north-western and south-western corners of the main body of the site.

7.23. No public foul water sewerage system serves the area surrounding the site. The applicant has undertaken a site characterisation exercise and he has commissioned a Ground Water Impact Assessment. The findings of this exercise and this Assessment can be summarised as follows:

- The aquifer underlying the site is of regional importance and it has a low vulnerability: The ground water protection response is thus R1.
- A 3m trial hole indicated that the top-soil is composed of silty/clay and that sub-soils are initially silty/clay and then gravely/sandy/clay. While no bedrock was encountered the water table was reached at a depth of 1.5m.
- The T-test yielded a result of 2.86 min/25mm and the P-test yielded a result of 38.19 min/25mm.

- 7.24. The applicant proposes to install a 6 PE Eurobio secondary treatment system with a Circle 7 tertiary filter with pumping of the treated effluent to a raised 38.5 sqm gravel attenuation bed, which would be sited in the south-eastern corner of the site. This system and this filter would, according to the applicant's Assessment, be "very efficient at removing BOD and suspended solids to very low levels." The invert level within the gravel attenuation bed would be 0.6m above ground level and so, when combined with the existing 0.4m depth of top-soil, 1m would exist between this level and the free-draining sub-soil and over 2m between it and the water table.
- 7.25. The Assessment further comments that the ground conditions are such that surface water would not be at risk, i.e. the free-draining sub-soil would ensure that there is no lateral movement of effluent towards receptors. (My site visit occurred during wet weather and so there was standing water in the ditch along the western half of the southern boundary to the site).
- 7.26. The Planning Authority's grounds for refusal cite the severe risk that the proposal would pose, in conjunction with other existing and permitted development, to the contamination of ground water.
- 7.27. The applicant has responded to these grounds by emphasising the efficiency of the proposed waste water treatment system. He draws attention to the EPA's assessment that the relevant groundwater body is, notwithstanding 21 domestic discharges to it within a surrounding radius of 300m of the site, of good status. Clearly, if individual discharges are of concern, then Cork County Council has powers to address this rather than refuse further development that would be capable of being satisfactorily served.
- 7.28. The applicant also draws attention to the 102m distance which would exist between the proposed gravel attenuation bed and the nearest well, which would be in an up gradient position and to the north. (Ground water flow is to the south). These factors would ensure that the proposed discharge point from the bed would be outside the zone of contribution for this well.
- 7.29. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.30. I conclude that, under the proposal, the issue of risk to ground water would be capable of being handled satisfactorily.

(v) Screening for Stage 1 Appropriate Assessment

- 7.31. The site is 180m to the east of the River Shanowen, which runs southwards to join the Blackwater River (Cork/Waterford) SAC (002170) to the east of Rathcormack.
- 7.32. During my site visit, I observed standing water in a ditch along the western half of the southern boundary of the site. This ditch extends westwards to the River Shanowen and so it appears to form a hydrological link between the site and this River and, by extension, the downstream SAC. Screening for Stage 1 Appropriate Assessment is therefore needed.
- 7.33. Under Screening for Stage 1 Appropriate Assessment, the question to be addressed is, “Is the project likely to have a significant effect either individually or in combination with other plans and projects on a European Site(s)?”
- 7.34. The project is to build a dwelling house on 0.2832-hectare site. This dwelling house would be accessed off the adjacent local road and it would be served by a three-stage WWTS and a raised gravel attenuation bed.
- 7.35. The Qualifying Interests of the Blackwater River (Cork/Waterford) SAC are as follows:

1029 Freshwater Pearl Mussel Margaritifera margaritifera

1092 White-clawed Crayfish Austropotamobius pallipes

1095 Sea Lamprey Petromyzon marinus

1096 Brook Lamprey Lampetra planeri

1099 River Lamprey Lampetra fluviatilis

1103 Twaité Shad Alosa fallax

1106 Atlantic Salmon Salmo salar (only in fresh water)

1130 Estuaries

1140 Mudflats and sandflats not covered by seawater at low tide

1220 Perennial vegetation of stony banks

1310 Salicornia and other annuals colonizing mud and sand

1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)

1355 Otter Lutra lutra

1410 Mediterranean salt meadows (Juncetalia maritimi)

1421 Killarney Fern Trichomanes speciosum

3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation

91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles

*91E0 *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*

*91J0 *Taxus baccata woods of the British Isles*

- 7.36. The Conservation Objectives for the above Qualifying Interests are, with the exception of the last one, a Conservation Objective for which has yet to be determined, either to restore or to maintain their favourable conservation condition. The former Objective relates to the following Qualifying Interests: 1029, 1095, 1103, 1330, 1355, 91A0, and 91E0, while the latter Objective relates to 1092, 1096, 1099, 1106, 1130, 1140, 1220, 1310, 1410, 1421, and 3260.
- 7.37. The project would entail the construction of a dwelling house adjacent to a wet ditch. This dwelling house would be served by a three-stage WWTS and a raised gravel attenuation bed, which would discharge to ground water. Standard construction management techniques would be designed to ensure that the water quality of the wet ditch is maintained. Likewise, the future maintenance of the three-stage WWTS and a raised gravel attenuation bed would ensure that water quality is maintained. These measures would be undertaken to safeguard water quality regardless of the European Sites cited above.
- 7.38. Given the small scale of the project, the distance of c. 3 km between the site and the identified European Site, and the attendant dilution factor, I do not consider that this project would be likely to have any significant effect, either individually or in combination with other projects, upon the Conservation Objectives of this European Site.
- 7.39. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 002170, in view of this Site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

- 7.40. This determination is based on the following: The small scale of the project, the distance of c. 3 km between the site and the identified European Sites, and the attendant dilution factor.
- 7.41. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project of a European Site.

8.0 Recommendation

- 8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020, the Board considers that, subject to conditions, the proposal would be acceptable in principle, as the applicant has, under Objective RCI 4-2(c) of the Development Plan, a rural generated housing need. The proposed dwelling house would, within the context of existing and emerging dwelling houses in the vicinity of the site, be compatible with the visual amenities of the area. Traffic generated by the proposal would be capable of being accommodated satisfactorily on the public road network. No water or Appropriate Assessment issues would arise. The proposal would, thus, accord with the proper planning and sustainable development of the area.

10.0 Conditions

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| 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 received by An Bord Pleanála on the 15 th day of October, 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. |
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| | Reason: In the interest of clarity. |
| 2. | <p>The proposed development shall be amended as follows:</p> <p>(a) The windows in the front elevation of the dwelling house shall be respecified as genuine sliding sash windows without neo-Georgian style lights.</p> <p>(b) The chimney shall be centred on the northern side elevation.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity.</p> |
| 3. | <p>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:</p> <p>(a) Planting of trees along the boundaries of the site.</p> <p>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.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p> |
| 4. | <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 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</p> |

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| | <p>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 restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p> |
| 5. | <p>(a) 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.</p> <p>(b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of visual amenity.</p> |
| 6. | <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 16th 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) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems</p> |

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| | <p>Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.</p> <p>(c) 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>(d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(e) 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>(f) 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>Reason: In the interest of public health.</p> |
| 7. | <p>Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p> |
| 8. | <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</p> |

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| | <p>prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</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> |
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Hugh D. Morrison
Planning Inspector

9th March 2021