



An  
Bord  
Pleanála

## Inspector's Report ABP-311286-21

<b>Development</b>	House with garage, septic tank/treatment unit & percolation unit. associated site works
<b>Location</b>	Laurencetown, Ballinasloe, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	211083
<b>Applicant(s)</b>	Niamh Pardy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Niamh Pardy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> March 2022
<b>Inspector</b>	Ian Campbell

## **1.0 Site Location and Description**

- 1.1. The appeal site is located on the eastern side of the R355, c. 250 metres north-east of the centre of Laurencetown Village and within the development boundary of the village.
- 1.2. The appeal site comprises a field and is located to the rear of a single storey dwelling. The appeal site has a stated area of 0.346 ha, is irregular in shape and is relatively flat. Site boundaries comprise hedgerow and mature trees. The appeal site is not visible from the front of the site, or from the northern or southern approaches along the R355.
- 1.3. Access to the R355 is via an existing gated, unpaved lane. This lane runs between a dwelling, indicated as the family home of the first party, and a commercial garage. The garage is depicted as being in the ownership of the applicant's family and appears to be vacant. There is an open area of hardstanding to the front/west of the garage.
- 1.4. There are a number of detached traditional style bungalows along the R355 at this location. Laurencetown National School is located to the north of the appeal site. The appeal site is located at a bend in the R355 and is the last house on the eastern side of the R355 leaving the village. There is a broken white line at this part of the R355 and the posted speed limit is 50 kmph.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises;
  - Construction of a single storey, two-bedroom, detached dwelling:
    - stated floor area c. 100 sqm.
    - ridge height c. 5.3 metres.
    - separation distances indicated as c. 16 metres to the northern boundary, 13.5 metres to the western boundary, c. 37 metres to the eastern boundary and c. 22 metres to the southern site boundary.
  - A domestic garage:
    - stated floor area c. 42 sqm.

- ridge height c. 5.1 metres.
- positioned c. 0.7 metres off the northern site boundary.
- The installation of a packaged waste water treatment unit with a polishing filter and all ancillary siteworks.

Whilst not referred to in the development description contained in the public notices, the proposed development also entails;

- A new vehicular access, utilising an existing unpaved gated laneway.
- Raising of ground levels, to a maximum of c. 0.3 metres on part of the site.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a Notification of Decision to **Refuse** Permission on the 10<sup>th</sup> August 2021 for two reasons which can be summarised as follows;

1. The proposed development is unresponsive to the village context, out of character with the area by virtue of its ad-hoc nature to the rear of established development along the main road, would if permitted, contribute to a pattern of unsustainable housing development of a backland nature, lacking sufficient infrastructure provision, which would militate against the strategic and sequential orderly expansion of the settlement in a planned and structured manner and would lead to demands for the uneconomic provision of further services and facilities. The proposed development would therefore be premature and would materially contravene Objective UH07 and UH08 of the Galway County Development Plan 2015-2021.

The referenced objectives refer to the following;

- Objective UH07 – *Ensure that new developments are responsive to their site context .... complement the existing character of the centre/area...*

- Objective UH08 - *Promote the use of sustainable urban design principles and approaches that will help to create high quality built and natural environments appropriate to the context and landscape setting....*
- 2. The proposed development would endanger public safety by reason of traffic hazard due to the intensification of traffic movements that would be generated onto the public road at a substandard, confined and visually impaired location. Access to the site through a narrow and confined gateway point between two existing properties is not considered to be a satisfactory access arrangement, given its substandard width and concealed nature. The proposal to create a new long accessway through undeveloped and unserviced lands, through a concealed entrance where movement is restricted and visibility impaired would constitute piecemeal, haphazard development.

It is noted that Reason 1 in the Notification of Decision to Refuse Permission makes reference to material contravention of the County Development Plan and the provisions of s.37(2)(b) of the Planning and Development Act 2000, as amended, are therefore applicable in this case.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the Planning Officer includes the following comments;

- Submission of Flood Risk Assessment (FRA) is noted. The Planner's report appears to accept the findings of the FRA, that site has a low flood risk.
- The rural status of the applicant does not pertain, noting the location of the site within a 'Structurally Weak Area'.
- Site is located with a 'Class 1 Landscape'. The design of the proposed dwelling and garage is acceptable.
- Access is noted as a constraint. Front boundaries of adjoining sites limit visibility to north-east and visibility splays have not been measured to the nearside road edge as required. Splay to south-west is achievable.

- T and P test results indicate that the site is suitable for a waste water treatment system.
- Invert levels were not indicated on submitted drawings but have been clarified by way of unsolicited further information submitted by the applicant's agent. Revised drawings would be required to reflect correct levels.
- The report concludes that the proposed development is considered substandard and backland due to the absence of road frontage and its location, non-sequential, an undesirable pattern of development and would pose a traffic hazard.
- The report of the Planning Officer (dated 9<sup>th</sup> August 2021) recommends a refusal of permission consistent with the Notification of Decision which issued.

#### **3.2.2. Other Technical Reports**

None received.

#### **3.3. Prescribed Bodies**

None received.

#### **3.4. Third Party Observations**

None received.

### **4.0 Planning History**

The following planning history is referenced in the report of the Planning Officer.

#### **Appeal Site**

**PA Ref. 20/1740** – permission refused for a dwelling, domestic garage, septic tank/treatment system with percolation unit and associated site works. Reasons for refusal cited as traffic hazard and flood risk.

**PA Ref. 26686** – permission granted for a garage and workshop.

A vehicular entrance was permitted under this permission.

## 5.0 Policy Context

### National Policy

#### **National Planning Framework (NPF) – Project Ireland 2040 (2018)**

National Policy Objective 19 of the National Planning Framework states -

*‘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 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.’*

#### **Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) 2009**

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses. The EPA CoP 2009 was revised in March 2021, replacing the previous Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) issued in 2009. As stated in the preface of the revised CoP, the revised CoP *‘applies to site assessments and subsequent installations carried out on or after 7th June 2021. The 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date’*. I note that the planning application was lodged with Galway County Council on the 17<sup>th</sup> June 2021 and the site assessment carried out on in November 2020. Based on the forgoing, the EPA CoP 2009 is considered to be the relevant CoP for the purpose of this appeal.

## **Ministerial Guidance**

### **Sustainable Rural Housing, Guidelines for Planning Authorities (2005)**

The Guidelines provide criteria for managing rural housing, whilst achieving sustainable development. Planning Authorities are required to identify rural area typologies that are characterised as being, under strong urban influence; stronger rural areas; structurally weak; or made up of clustered settlement patterns.

The appeal site is located within an area identified as a 'Structurally Weak' rural area (see Map RH01, Galway County Development Plan). The Guidelines state that these areas '*exhibit characteristics such as, persistent and significant population decline, as well as a weaker economic structure based on indices of income, employment and economic growth.*' In respect of 'Structurally Weak' rural areas, the Guidelines provide that '*the key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises, subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.*'

## **Development Plan**

The relevant development plan is the Galway County Development Plan 2015-2021. The appeal site is not subject to a specific land-use zoning.

The Draft Galway County Development Plan 2022-2028 is currently at material amendments stage and is due to be adopted by the middle of May 2022, coming into effect 4 weeks after.

The provisions of the Galway County Development Plan 2015-2021 relevant to this assessment are as follows:

- Objective RHO 2 - Rural Housing Zone 2 (Structurally Weak Area) - '*It is an objective of the Council to facilitate the development of individual houses in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the Development Management Standards and Guidelines outlined in Chapter 13 and other applicable*

*standards with the exception of those lands contained in Landscape Categories 3, 4 and 5 where objective RHO3 applies'.*

Objective RHO 9 – ‘Design Guidelines’.

Objective RHO 12 – ‘Waste Water Treatment Associated with Development in Un-Serviced Areas’.

Table 13.4 sets out sightline requirements for regional roads, that being 60 metres where the speed limit is 50 kmph.

### **5.1. Natural Heritage Designations**

The appeal site is not located within or close to any European Site. The closest European Site is the River Suck Callows SPA and SAC, which is located c. 4 km north-east of the appeal site. There is no direct connectivity between the appeal site and this European Site.

### **5.2. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.



## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised as follows;

#### Location and Context

- The appeal site is located within the 50 kmph and therefore within the urban envelope of the town.
- The appeal site occupies a secluded, backland site.

#### National and Regional Policy

- The proposed development accords with the National Planning Framework (NPF) – Ireland 2040, specifically in relation to the objectives contained therein which relate to renewing and developing existing built-up areas (Section 1.2); making better use of underutilised land (Section 2.2); compact growth reusing previously developed land, brownfield land (Section 2.6); NPO 3a, which seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements; NPO 6, which seeks to regenerate cities, towns and villages and NPO11, which provides for a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages.
- Laurencetown is located within a ‘Structurally Weak Rural Area’. The Sustainable Rural Housing – Guidelines for Planning Authorities acknowledge that housing development should be encouraged in villages such as Laurencetown. The site offers the applicant an affordable housing option to meet her housing need, which is espoused in Section 2.3 of the Sustainable Rural Housing Guidelines.
- Whilst it is not necessary to demonstrate housing need given that the site is located within a structurally weak rural area, not under urban influence, there are bona fide merits to the proposal, including the applicant’s current residence in rented accommodation, the need for the applicant to reside close to her

parents who it is stated required medical assistance, and the applicant's ties to the area.

- The proposed development accords with the Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES), specifically Section 3.5, which seeks the regeneration of smaller towns and villages.

#### Settlement Hierarchy

- Under the Settlement Hierarchy contained in the Galway County Development Plan, Laurencetown is defined as a 'Small Settlement' or 'Other Settlement'. Such settlements are identified as growth nodes, forming the basis for future development. The proposed development would contribute towards the growth of the village within the context of the settlement hierarchy.

#### Site Specifics

- There is no streetscape at this location and the proposed development would not be injurious to the area, being located on a secluded site.
- The principle of backland development is established in the area, with houses being set back from the road and accessed via long driveways. Section 3.4.3 of the Development Plan supports infill development.

#### Main points of contention regarding refusal reasons

##### Reason 1

- The village does not have the benefit of a sewer and Irish Water have no plans to provide one in the long term. Therefore the reason cited in the first refusal reasons in respect of the lack of sufficient infrastructure provision is considered to be unfair. Furthermore, the absence of infrastructure did not prevent permission being granted for the afterschool development at the national school.
- Reference to the strategic and sequential expansion of the village is unreasonable and in the absence of a plan or village design framework applicants must be considered on their merits. The proposed development should be considered in the context of national and regional policy objectives.

- As there are no plans for the provision of a public sewer in the area and given that there is no plan or village design framework for the area, it is unreasonable to dismiss the proposal on the basis of prematurity. Reference is made by the applicant to Section 191 of the Planning and Development Act 2000, as amended, which states that permission should only be refused on the basis of prematurity where the constraints may reasonably be expected to cease.
- The proposed development does not contravene Urban Housing Objective UH07 or UH08. The proposal is in keeping with the character of the area. As the site is located at the edge of the town there is no requirement for the proposed development to compliment the character of the town centre. The proposal consists of a single dwelling and the provisions of the Sustainable Residential Guidelines and accompanying Urban Design Manual are not applicable in this case.

#### Reason 2

- The proposed development is for a single dwelling in an area where an urban speed limit applies. Additional traffic movements from the proposal would be negligible.
- Safe access can be delivered and sightlines of 60 metres are achievable. Junction setback improvements are outlined in blue, in the control of the applicant and letters of consent have been submitted.
- The section of regional road at the appeal site is wide, with a grass verge, the proposed entrance will be clearly visible and will not be concealed with high walls or vegetation.
- The access design in relation to the laneway is acceptable in an urban context.
- The refusal on the grounds of traffic safety is not based on a Roads Engineer report.

## **6.2. Planning Authority Response**

None received.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Zoning & Principle of Development.
- Design/Siting & Impact on Amenity.
- Refusal Reason 1.
- Refusal Reason 2.
- Other Issues.
- Appropriate Assessment.

### **Zoning & Principle of Development**

- 7.1 Regarding rural housing policy, the appeal site is located within an area identified as a 'Structurally Weak' rural area' under the Galway County Development Plan and in accordance with National Policy Objective 19 of the National Planning Framework (NPF) and Objective RHO 2 of the Galway County Development Plan 2015-2021, the provision of single housing in such cases is based on siting and design considerations. Additionally, I note that the appeal site is located within an identified settlement. The applicant is therefore not required to demonstrate her 'Rural Links' and 'Substantiated Rural Housing Need' to the area. Furthermore, an occupancy condition would not be required should permission be granted.

### **Design/Siting & Impact on Amenity**

- 7.2 The appeal site is flat and well screened, and the proposed dwelling and garage are modest in scale and in keeping with the character of the houses in the vicinity. Accordingly, I do not consider that the proposed development would result in any significant negative impacts on the visual amenities of the area.
- 7.2.1 Having regard to the scale, design and relationship of the proposed dwelling and garage to adjoining site boundaries, I do not consider that the proposed development

would result in any significant negative impacts on the residential amenity of adjoining properties.

### **Refusal Reason 1**

7.3 The first reason for refusal concerns the location of the appeal site and whether backland development is acceptable within this context. Having regard to the proximity of the appeal site to the centre of the village, to the prevailing pattern of development at this location, the mix of land uses in the vicinity, which include residential, education and commercial, and to the 50 kmph speed limit applicable to the area and footpath on the opposite side of the R355, which is in my opinion indicative of a built-up area, I consider that the appeal site could be considered to be located within the envelope of the village, as distinct from the open countryside. Additionally, based on the submitted Ordinance Survey map, I note that the northern boundary of the appeal site demarcates the townland between Laurencetown and Oghil More, with the appeal site entirely located within the townland of Laurencetown. On this basis I consider that the principle of an infill dwelling at a backland location to be acceptable.

7.3.1 The Planning Authority's reason for refusal states that the proposed development materially contravenes Urban Housing Policy Objectives UH07 and UH08 of the Galway County Development Plan. These policies relate to the requirement for developments to be responsive to their context and the existing character of an area (Objective UH07), and the promotion of sustainable urban design principles (Objective UH08). I consider that the proposed development, comprising a single dwelling, owing to its siting and design, is responsive to its setting and would not detract from the character of the area. I therefore do not concur with the Planning Authority that the proposed development would materially contravene Objective UHO 7. Furthermore, I consider that the proposed development is acceptable in terms of urban design and is appropriate to its landscape setting and would not therefore materially contravene Objective UHO 8. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act, 2000, as amended.

7.3.2 The Planning Authority refer to the lack of sufficient infrastructure provision in the first reason for refusal. I note that the area is not served by a public sewer network and I

consider that in such cases the provision of an on-site treatment system is acceptable, subject to compliance with applicable EPA Code of Practice. The first reason for refusal also states that the proposed development would 'militate against the strategic and sequential orderly expansion of the settlement in a planned and structured manner, resulting in demands for the uneconomic provision of further services and facilities'. As addressed under paragraph 7.3, I consider the appeal site to be located within the village, and having regard to the suitability of the site to cater for a treatment system and to the provision of safe access, I do not concur with the Planning Authority on this issue.

## **Refusal Reason 2**

7.4 The second reason for refusal concerns the adequacy of the proposed vehicular entrance, in particular the adequacy of sightlines, the intensification of traffic movements and the creation of a traffic hazard.

7.4.1 The R355 at this location has a posted speed limit of 50 kmph. The proposal entails using an existing, established vehicular entrance serving a commercial business. The corresponding sightline requirement for a 50 kmph road, as set out in Table 4.2 of DMURS, is 45 metres. Table 13.4 'Sight Distances Required for Access onto National, Regional & Local Roads' of the Galway County Development Plan requires sightlines of 60 metres. However I consider that DMURS is the applicable policy in respect of sightline standards in this instance having regard to the advice contained in Circular PL17/2013. Based on the site layout plan submitted, sightlines of 45 metres are achievable in a northerly direction/turning right from a set-back of 2.4 metres from the edge of the road. Part of a boundary wall is to set back in order to facilitate this sightline.

I consider existing available sightlines in a southward direction to be c. 32 metres, with the wing wall of the dwelling to the south of the garage causing an obstruction. In order to achieve the required sightline to the south, it is proposed to reduce the height/set-back part of this wingwall and to grade the area to the front of this dwelling. These works will allow for a sightline of 55 metres in a southerly direction. It is also proposed that the area to the front of garage is to be kept clear. The areas where works are required to facilitate sightlines are within the blue line boundary and letters of consent

have been submitted from the owners of the properties concerned. I consider that subject to the setting back of the front boundary wall to the south and north, that adequate sightlines have been demonstrated in accordance with DMURS. Having regard to the works proposed, which will enable the achievement of adequate sightlines, I do not consider that the proposed access would represent a traffic hazard. Furthermore, the proposed development entails one dwelling and I do not consider that this would result in a significant intensification of traffic movements at this location.

- 7.4.2 Regarding the use of the access laneway connecting the appeal site to the public road, I do not consider this arrangement to be substandard, or that it would represent a traffic hazard. Whilst I note the narrow width of the proposed access lane, noting that it is proposed to serve one dwelling, I consider it to be acceptable. I also note the oblique position of the garage relative to the laneway, which allows for a degree of visibility should there be pedestrians/vehicles in the area to the front of the garage.

## **Other Issues**

### Flooding

- 7.5 The OPW website (floodinfo.ie.) identifies incidences of flooding c. 400 metres south of the appeal site. The Galway County Development Plan (Stage 1 Strategic Flood Risk Assessment) identifies lands to the south and east of the appeal site as being at risk of fluvial flooding. A Flood Risk Assessment (FRA) was submitted to the Planning Authority with the current proposal. Based on the characteristics and location of the appeal site, the FRA examines flood risk from Pluvial, Groundwater and Sewer sources. Coastal and Fluvial flooding is not examined. The maximum estimated pluvial flood risk level on the appeal site is stated as 62.57 metres AOD, or 62.60 metres AOD when climate change is taken account of. The finished floor level of the proposed dwelling is 63.968 metres AOD, giving a freeboard of 1.41 metres and the FRA concludes that the risk of pluvial flooding is therefore low. The top of the proposed treatment system is indicated as being 63.58 metres AOD, with the invert of the percolation pipes of the soil polishing filter at 63.58 metres AOD. Therefore the proposed treatment system is stated as having a low risk of being submerged and as such the risk of sewer flooding is deemed to be low. Regarding groundwater flooding, there are no karst features in the vicinity of the appeal site. Flow paths within the

appeal site are indicated in the FRA as being to the south and south-east and the proposed development does not obstruct flow paths or result in flooding elsewhere. The FRA concludes that the proposed development has a low risk of flooding and would not cause a flood risk elsewhere. On the basis of the FRA, I do not consider that the proposed development would be affected by flooding, nor would it result in a risk of flooding elsewhere.

#### Waste Water Treatment

7.6 The applicant's Site Characterisation Report identifies that the subject site is located in an area with a Locally Important Aquifer where the bedrock vulnerability is high. A Ground Protection Response of R2<sup>1</sup> is noted by the applicant, however I note that the Ground Protection Response should be R1, as per Table B.2 'Response Matrix for On-Site Treatment Systems' of the EPA CoP 2009. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice). The applicant's Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.

7.6.1 The trail hole depth referenced in the Site Characterisation Report was 2.35 metres. No bedrock was found in the trail hole. Water was observed in the trail hole at a depth of 1.84 metres. The soil conditions found in the trail hole are described as comprising silty gravel. Percolation test holes were dug and pre-soaked. A T value of 32 was recorded and the EPA CoP 2009 (Table 6.3) confirms that the site is suitable for a septic tank system or a secondary treatment system discharging to groundwater. A P test was carried out and a P value of 29 was recorded. I was unable to access the site to observe the trail hole or percolation test holes or to verify the results of the Site Characterisation Report. I am satisfied that the proposal complies with the required separation distances set out in Table 6.1 of the CoP 2009.

There is an existing well c. 45 metres from the treatment system and percolation area. Table B.3 'Recommended Minimum Distance Between A Receptor And A Percolation Area Or Polishing Filter' of the EPA CoP 2009 indicates a minimum required distance of 15 metres where a domestic well is up-gradient of percolation area/polishing filter and 25 metres in instances where there is no gradient. The site is relatively flat, stated as having a gradient of 1<20 in the Site Characterisation Report. The separation distance between the well and polishing filter is therefore acceptable.



7.6.2 The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water, it is proposed to install a packaged waste water treatment system (EuroTank BAF P 5 Secondary Waste Water Treatment unit) and polishing filter. Based on the information submitted, I consider that the site is suitable for the treatment system proposed.

### **Appropriate Assessment**

7.7 Having regard to the nature and limited scale of the proposed development, the developed nature of the landscape between the site and European sites and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

## **8.0 Recommendation**

8.1. Having regard to the above it is recommended that permission is granted based in the following reasons and considerations and subject to the attached conditions.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Galway County Development Plan 2015-2021, to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, 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, 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 with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the Planning Authority on the 17<sup>th</sup> June 2021, 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. 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.</p> <p>(b) 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><b>Reason:</b> In the interest of public health.</p>

4.	<p>The works proposed to adjoining lands to facilitate sightlines, indicated on Drawing No. LC-21-33 'Site Layout Plan', shall be undertaken in full and to the satisfaction of the Planning Authority prior to commencement of development hereby permitted.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
5.	<p>The external finishes of the dwelling and garage shall comprise natural slate of blue/black colour for the roof and neutral coloured render for the external walls, unless otherwise agreed in writing with the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>The garage shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structure shall not be used for the purposes of independent habitation.</p> <p><b>Reason:</b> To ensure that the development shall be in accordance with the permission, and that effective control be maintained.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</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 prior to commencement of development or in such phased payments as the planning</p>

	<p>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><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>
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Ian Campbell  
Planning Inspector

4<sup>th</sup> April 2022