



An
Bord
Pleanála

Inspector's Report

ABP-312277-21

Development

Amendments to previously granted planning permission (planning authority reference number 18/1435) to renovate and extend an existing semi derelict house, provision of proprietary wastewater treatment system and ancillary site works. The amendments include a change of house type and revised site layout.

Location

Ballynacloghy Road, Maree, Co Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

21399

Applicant(s)

Ger Hyland & Selena O'Brien

Type of Application

Permission

Planning Authority Decision

Grant with conditions

Type of Appeal

Third Party

Appellant(s)

- 1) Marlys Coffey
- 2) Zoe Coffey

Observer(s)	None
Date of Site Inspection	23rd August 2022
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.22ha is located in a rural area approximately 7.2 Kilometres south-west of Oranmore and 5 kilometres west of Clarinbridge. The area is characterised by a network of narrow local roads, one-off rural houses, linear development and agricultural development.

2.0 Proposed Development

- 2.1. Permission is sought for amendments to a previously granted planning permission (Planning reference number 18/1435) to renovate and extend an existing semi derelict dwelling house (49 square metres) and provision of a new proprietary treatment plant and all ancillary works. The amendments comprise a change of house type and a revised site layout. The gross floor space of proposed works would comprise 136 square metres.
- 2.2. Further information was submitted by the applicants in relation to the following: An updated structural evaluation and specification for redevelopment report and details of materials and finishes to be used within the development.
- 2.3. Clarification of further information was submitted by the applicants in relation to the following: An amended and more detailed structural evaluation and specification for redevelopment report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Galway County Council issued a notification of decision to grant permission subject to 12 no standard conditions. Conditions of note are summarised as follows:
- Condition No 2 – The grant of permission shall expire on the expiry date of the parent permission under planning reference Reg Ref 18/1435.
 - Condition No 10 (a) – Any in-situ stonewalls; hedgerows and / or trees bounding the site shall be retained. (b) The site shall be landscaped using native plant species

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Case Planner referred to the previous grant of permission on site and recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Galway County Council reflects this recommendation.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. There are 2 no observations recorded on the appeal file form (1) Zoe Coffey, (2) Marlys Coffey. The issues raised relate to the following:

- Proposals would be out of character with the area.
- Increased flood risk generated by the development.
- Contrary to objective RH07 of the Galway Development Plan 2015-21.
- Proposals are contrary to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities.
- Proposals will increase traffic volumes in the area.
- That an inurement condition should have been attached to the original planning decision on the site.

4.0 Planning History

4.1.1. There was a previous permission granted on this site, that is referenced in the public notices and that may be summarised as follows:

- Planning Authority reference number 20/411 where the Planning Authority granted planning permission for amendments to P18/1435 to renovate and extend an existing semi-derelict dwelling. This decision was overturned by the Board under reference number 307752-20 for one reason as follows:

1-Having regard to the derelict structure on site and to the nature and extent of the existing permission in site under planning register reference number 18/1435, it is considered that the proposed development which is described as amendments to the scheme permitted under planning register reference number 18/1435, would by reason of its overall floor area of 233 square metres relative to the stated floor area of 49 square metres for the derelict structure, and by reason of its design, fundamentally compromise the original character of the existing structure whereby the existing structure would be overwhelmed by the volume of new build and would in effect be unidentifiable within the overall proposed dwelling. Furthermore, the proposed development would by reason of its massing, bulk and position on the site proximate to the boundary with an adjoining dwelling, be incongruous and out of character with the pattern of development in the vicinity, would constitute a visually discordant feature that would detract from the original character of the existing structure on the site, would detract from amenities of property in the vicinity, would be detrimental to the rural character of this area, which it is appropriate to preserve and would set an undesirable precedent for future similar development in this area.

- Planning Authority reference number 18/1435 where the Planning Authority granted planning permission to Henry Kearney to renovate and extend an existing semi derelict dwelling house and provision of a new proprietary treatment system and all ancillary works. Gross floor space of proposed works: 64.4 sqm. Total ground floor area is 113.4 sqm. It is noted that no restrictive occupancy condition was attached.

5.0 Policy Context

5.1. Development Plan

5.1.1. At the time the Planning Authority made its planning decision on the 2nd day of December 2021, the Galway County Development Plan (GDP) 2015-2021 was the operational plan. The GDP has since been superseded by the Galway County Development Plan (GDP) 2022-2028, operational since the 20th day of June 2022.

5.1.2. Galway County Development Plan, 2022-2028

Chapter 2-Core Strategy.

Section 2.4.12 sets out that the areas identified within the Galway City Transport and Planning Study (GCTPS) essentially equate to the Rural areas under Strong Urban Influence and this would include the appeal site.

Chapter 4: Rural living and Development:

Section 4.6 Rural Housing Strategy in the Open Countryside

Section 4.6.1 sets out the following in relation to Rural Areas under Strong Urban Influence within the Metropolitan Area and those within the area of the Galway City Transport and Planning Study (GCTPS).

Map 4.2 outlines the various zones that exist throughout the County. The appeal site is located within Zone 4, designated an area of high landscape sensitivity.

The policy objectives for derelict dwellings is set out within objective RH 7- Renovation of Existing Derelict Dwellings:

The policy objective of the Planning Authority that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings in the County are generally dealt with on their merits on a case by case basis, having regard to the relevant policy objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/semi derelict dwelling must be structurally sound and have the capacity to be renovated or extended and have the majority of its original features in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling.

Where the total demolition of the existing dwelling is proposed, an inurement Clause for seven years duration will apply.

Policy Objective RH9-To have regard to the Galway County Council's Design Guidelines for single rural houses.

Policy Objective RH11-Provide for sustainable rural housing in accordance with the EPA Code of Practice: Wastewater Treatment Systems for Single Houses (2009).

Chapter 8: Tourism and Landscape:

Section 8.13.1: *Landscape Character of County Galway*

The appeal site is located within an area identified as having a Class 3-special landscape where the sensitivity to change is designated as being "High".

The Design Guidelines for single rural houses has been adopted as Appendix 5 to the Development Plan 2022-2028. are also considered relevant.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. The Galway Bay Complex SAC and the Inner Galway Bay SPA are located approximately 0.65 kilometres west of the appeal site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third-party appeals have been received, the first from Marlys Coffey, Bluebell Cottage (adjacent property to the south) and the second from Zoe Coffey,

Ballynacloghy, Maree, Oranmore, and the issues raised may be summarised as follows:

Design and Layout:

- The scale of the development, relative to the existing derelict structure on site by reason of its design would fundamentally compromise the character of the existing structure which would be overwhelmed by the volume of the new development.
- The development by reason of its massing, bulk and position would be incongruous with the pattern of development in the vicinity.

Residential Amenity:

- The development would overlook the appellants property and would be contrary to Section 13.4 of the Development Plan.
- Hedgerows along the southern boundary have been removed and the stone wall boundary damaged and yet, the applicants state that hedgerow and stone wall boundaries would be retained.

Development Plan Policy and objectives:

- No visual impact assessment has been conducted by the applicants, as maybe required under RHO3.
- The original planning granted under reference number 18/1435 was granted to a local person who had demonstrated their housing need. Under Section 3.9 of the Development Plan the current applicants should be required to demonstrate a housing need as the site is located within the Galway Transport and Planning Study Area (GTPS), signifying the area is under strong urban pressure.
- No flood impact assessment has been submitted, although FL4 of the Development Plan requires one to be submitted where a history of flooding has occurred in the past.
- Objective RH07 of the Development Plan states that the derelict structures must be structurally sound and have the capacity to be renovated and/or

extended and have the majority of its features/walls in place. The documents submitted do not demonstrate how this can be done.

Other Issues:

- There is a previous Board refusal on this site under reference number 307752 which is very similar to the current proposal and many of the issues have not been addressed.
- The further information submitted states that the inspection of the structural engineer was only a visual one and he could not say, if any parts of the structure are structurally sound.
- The clarification of further information response does not clarify or demonstrate that the existing structure on site is structurally sound. They state that further investigations are required to determine if the building is structurally sound. In the event that the building is not deemed structurally sound, it could be demolished and replaced and, in that scenario, RHO7 would not be applicable.
- The documentation submitted by the applicants states that the roof has collapsed and the northern walls including the chimney have been removed. Very little of the original building remains, and what does remain has not been occupied since 1955. The proposal do not comply with policy objective RHO7. A gable wall has partially collapsed since the previous planning application on the site was considered.
- The proposed works are in excess of four times the area of the existing structure on site. Hedgerows and trees along the southern boundary have been removed and replaced with construction fencing.
- Flooding has occurred in this area in 2014 and 2015.
- Emergency flood works were carried out by the Council approximately 125 metres from the appeal site in 2016. The road outside the appellants house has been raised and gullies inserted along the road verge. Their house level is now approximately 40mm below that of the public road and the appellant has installed water pumps to protect her house from flooding.
- A drain was infilled by the applicant on site thus increasing the risk of flooding in the area.

- The local road is narrow has not got the capacity to cater for additional traffic volumes.
- No levels are included within the drawings and the levels are not consistent with those submitted under reference number 18/1435. The appeal site is over 1 metre higher than the appellant's site. The site levels denoted on the drawings do not appear to tie into the Malin Head datum.
- The depth of the trial hole is 2.4 metres and not 3 metres as required under the EPA Code of Practice 2021. The site is underlain by a regional aquifer in an area classified as being under extreme vulnerability.
- This could pose serious environmental and health hazards.
- The further information responses should have required the applicants to re-advertise and given the neighbours an opportunity to comment on same.
- The Planning Authority did not notify the people who made submissions that they had issued a planning decision as required.

6.2. Applicant Response

6.2.1. The first party response to the appeal, submitted to the Board on the 26th day of January 2022 has been prepared by the James O'Donnell on behalf of the applicants and may be summarised as follows:

- The floor area of the development has been reduced to 185 square metres approximately.
- The design seeks to retain the same extent of the original structure as permitted under reference number 18/1435.
- The design ensures that the original character of the existing structure on site is clearly distinguishable from the new build extension. The mass, bulk and height of the new build extension has been broken down and significantly reduced.
- The finished floor level of the proposed extension has been reduced by 0.5 metres and given its flat roof design; it will be largely screened by the existing structure on site.

- The proposed extension is now positioned further removed from the southern boundary and further away from the appellants property.
- The design represents a modern interpretation of a traditional design incorporating traditional design principles. The character of existing houses within the area is varied.
- The revised design as submitted is considered to have adequately addressed the Boards concerns set out under 397752.
- The same extent of the original stone external walls are proposed to be retained as under reference number 18/1435. It is therefore consistent with the provisions of RH07 of the Development Pan and the requirement for a substantiation of housing need does not arise.
- The structural evaluation and specification for redevelopment report, submitted as part of the clarification of further information response is more comprehensive and robust than that submitted under reference number 18/1435.
- No inurement condition was included under reference number 18/1435, the imposition of such a condition would be onerous.
- The risk of pluvial flooding does not arise having regard to the comments of the Planning Authority's Case planner under reference number 20/411, where she set out that flood risk was considered by Galway County Council and An Bord Pleanála, and not considered to be an issue.
- The development would not generate any additional traffic safety issues at the location compared to the extant permission on site.
- The submission of a Visual Impact Statement was not required by the Board under the assessment of 307752.
- It is important to note that as part of the revised plans submitted for consideration to the Board, the height and massing have been reduced from that previously proposed.
- The treatment of domestic effluent is permitted under the extant permission on site.
- The readvertisement of plans is a matter for the Planning Authority to determine.

6.3. Planning Authority Response

6.3.1. None received.

6.4. Amended Design and layout Proposals

6.4.1. Under Section 131 of the Planning and Development Act 2000 (as amended), the applicants submitted revised proposals on the 16th day of January 2022 for consideration by the Board. The revisions specifically relate to a reduced floor area of 185 square metres (existing and proposed). The existing structure is to be redeveloped in a similar manner to that permitted under 18/1435, with a traditional gable ended design and the new build extension to the rear and side would be single storey in height. This information was circulated to the appellants.

6.5. Appellants response to applicants amended design and layout proposals

6.5.1. The appellants responded to the issues raised by the applicant. Some of the issues are a reiteration of issues raised within the original appeal submissions and some new issues have been raised as follows:

- Even with a reduction on the floor area, the development remains out of scale.
- The revisions comprise the omission of a conservatory area that overlooked the appellants property and they have replaced it with a covered canopy area, which similarly overlooks the appellants property.
- Site levels would be lowered by 0.5 metres, but the levels do not tie in to any known datum.
- No other persons are entitled to comment on the revised plans.
- The amended design has not changed the southern elevation and therefore, all concerns previously set out remain valid.

6.6. Observations

6.6.1. None received

6.7. Further Responses

6.7.1. None received.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings. Concerns raised with regard to site levels are noted. However, together with my site inspection I am satisfied that there is adequate information available to determine this appeal.

- Principle of Development
- Design & Layout
- Residential Amenity
- Flooding
- Appropriate Assessment.
- Other Issues

7.2. Principle of Development

7.2.1. This application relates to amendments to a previously granted planning permission (Reg Ref 18/1435). As per the Development Plan, Map 4.2, the appeal site is located within the Galway Transport and Planning Strategy area of Galway. This leads to a scenario where the applicants would be subject to Objective RH7 Renovation of Existing Derelict Dwellings. The policy objective is “that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings in the County are generally dealt with on their merits on a case by case basis, having regard to the relevant policy objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/semi derelict dwelling must be structurally sound and have the capacity to be renovated or extended and have the majority of its original features in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling. Where the total demolition of the existing dwelling is proposed an inurement Clause for seven years duration will apply”.

- 7.2.2. Accordingly, the current proposals to amend the design and layout of the permitted development at this location is acceptable in principle.

7.3. Design & Layout

- 7.3.1. One of the primary elements of the reason for refusal under 307752 related to the scale of floor area relative to the scale of the existing structure on site whereby the existing structure would be overwhelmed and unidentifiable within the development proposals and that the mass and bulk of the development would result in the creation of a visually discordant feature which would be incongruous and out of character with the pattern of development in the area
- 7.3.2. Objective RH7 Renovation of Existing Derelict Dwelling / states that proposals to renovate, restore or modify existing derelict or semi derelict dwellings are generally dealt with on a case by case basis, having regard to inter alia *the condition of the structure and the scale of any works required to upgrade the structure to modern standards*. It further states that the *derelict/semi ruinous dwelling must be structurally sound, have the capacity to be renovated and/ or extended and have the majority of its original features/walls in place*.
- 7.3.3. It is clearly the intent of this objective that the structure to be renovated and or extended should be maintained and respected. Further it is reasonable to infer that where an extension is proposed that the original structure should for the most part be clearly identifiable within the proposed scheme. To this end, I refer to the plans and particulars of the permitted scheme (under reference number 18/1435) where the existing structure was to be sensitively renovated, clearly identifiable as original and the rear extension subordinate and respectful to the existing structure in compliance with Objective RH07 of the Galway County Development Plan 2015-2021. I note the applicants have submitted revised design proposals to the Board for consideration whereby the floor area has been reduced to 185 square metres (sq. m.), and the height of the new extension has been reduced to single storey. I have referred back to the original plans submitted on site, which provided for a traditional style single storey gable ended extension to the rear of the existing semi-derelict cottage which was to be refurbished.

- 7.3.4. The previous proposals under 307752 comprised a floor area of 233 sq. m, and the existing structure was very much indistinguishable and overwhelmed within the plans and this was central to the Boards refusal reason. Within the current proposals, as submitted to the Board on the 26th day of January 2022, the applicants have reduced the scale of the footprint to 185 sq. m. and have reverted to a design and layout for the existing structure which is similar to that permitted under reference number 18/1435. Within the revised plans the existing semi-derelict cottage is clearly identifiable within the plans, something that again was central to the Boards reason for refusal.
- 7.3.5. The new build section to the rear of the existing structure would be single storey, which is conducive to the site levels which rise from east to west on site, away from the public road. The new build is clearly identifiable from the existing structure within the development and yet, by virtue of its reduced height and set back from the public domain will not overwhelm the existing structure on site. This is evident from the site sections and elevation plans. I consider that the amended revised plans as submitted to the Board, represent a significant improvement to those previously submitted and I consider would comply with the provisions of the RH7 policy objective of the current Galway County Development Plan. The existing structure is clearly identifiable within the development and the applicants have demonstrated by means of the submission of a Consultant Engineers report, that the existing structure has the structural capacity to be brought back to a habitable use and has the capacity to be refurbished and extended. In conclusion, I consider that the current amended plans before the Board, whereby the original stone walls of the existing structure on site would be retained and that the revised design and scale of the proposed new build extension will complement and integrate with the existing structure on-site would comply with Policy Objective RH7.

7.4. Residential Amenity

- 7.4.1. I note the issues raised in relation to overlooking and impact on the residential amenity raised by the appellants and the previous Board refusal state that the bulk and massing of the new build proximate to the boundary of the adjoining dwelling would detract from the amenities of property in the vicinity which are appropriate to preserve. Having regard to the revised plans and particulars submitted to the Board on the 26th day of

January 2022 and recognising that the applicants have made modifications to the original plans, whereby the new build element has been moved in a more northerly direction on site, further away from the adjoining residential property to the south. Significant elements of glazing have been removed from the southern elevation and have been incorporated within the rear (western) elevation. The nearest part of the new build element to the southern site boundary is now 7.5 metres (previously 5 metres) and the separation distance between the nearest part of the new build and to the residential property to the south is approximately 18.5 metres. I note the difference in site levels of approximately 1 metre between the appeal site and the residential property to the south, although it is unclear from the plans submitted what datum is used in demarcating levels within the appeal site. I share the concerns raised. I note the existence of the construction type fencing separating the appeal site from the residential property to the south. I note that the inspector under 307752 stated that she did “not consider that it is necessary to refuse permission based on impact on residential amenity”.

- 7.4.2. The applicants have submitted landscaping proposals, prepared by landscape consultants, which are to be phased. Phase 1 is to provide indigenous hedging along the southern site boundary and subsequent phases of landscaping are to be carried out on site. I am satisfied that the landscaping proposals are an important part of the development and crucial to protecting the residential amenities of the residents to the south. This is a matter that can be conditioned, that the landscaping along the southern boundary be implemented within the first planting season following commencement of works on site.

7.5. Flooding

- 7.5.1. I note the concerns raised by the appellants that the area is subject to pluvial flooding and that a Flood Risk Assessment should have been submitted by the applicants. In this regard, I have examined the most recent flood data available on Floodinfo.ie which is the website managed by the OPW, the competent authority for flooding in Ireland. From the information available on the OPW website, there is no evidence of flooding at the appeal site. I note that the applicants have submitted proposals for the management of surface water within the appeal site. I do not consider that the proposed development would exacerbate the risk of flooding in the area.

7.6. Other Issues

- 7.6.1. **Wastewater Treatment.** I note that the Planning Authority reference the tertiary treatment system permitted under planning reference number 18/1435. That development pertained to a 64 square metre extension to the existing semi-derelict structure on site. These current proposals relate to a 136 square metre extension to a semi-derelict structure on site. However, from the floor plans submitted and from an inspection of the original floor plans, it is apparent that the population equivalent (PE) has not increased and remains at 5 PE. I consider that the applicants have previously demonstrated compliance with EPA, Code of Practice, for rural dwellings in the countryside and that all separation distances in accordance with the EPA standards are achievable.
- 7.6.2. **Construction Impact** – I note the concerns raised with regard to the proposed construction works. There will inevitably be disruption, including increased traffic volumes during the course of construction, however this will be a short-term impact and as such can be minimised to acceptable levels with appropriate standard working / construction practices such as controlling construction hours, dust minimisation etc. Overall, I am satisfied that these matters can be dealt with by way of a suitably worded planning condition requiring the applicants to adhere to specified construction hours.
- 7.6.3. **Development Contribution** - I refer to the Galway County Council Development Contribution Scheme 2020-2026. The proposed development is not exempt. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the development which pertains to amendments and extensions to a semi-derelict dwelling, its distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development with no hydrological pathway to any European site 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

- 8.1. I recommended that permission be granted subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the policies and objectives of the Galway County Development Plan 2022-2028, and particularly RH7 relating to the renovation of derelict structures, it is considered, subject to the conditions set out below, the satisfactory design and layout, the scale, massing and siting of the house and the pattern of development within the area, it is considered that the proposed development would be acceptable, would not seriously injure the residential amenities of the area and would be acceptable in terms of visual amenity and would not adversely impact upon the adjacent road network capacity or safety or result in the creation of a traffic hazard. 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 9th day of November 2021 and by the further plans and particulars received by An Bord Pleanála on the 26th day of January 2022, 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 The grant of permission shall expire on the expiry date of the parent permission under planning reference number 18/1435.

Reason: In the interest of clarity.

- 3 Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

- 4 The landscaping scheme shown on drawing number 21245-355, as submitted to the planning authority on the 18th day of March 2021, shall be carried out within the first planting season following substantial completion of external construction works. The existing mature trees and stone wall boundaries shall be retained within the site save for where their removal is required to respect the sight visibility triangle or to enable the construction of the proposed dwelling.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], 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 the interest of residential and visual amenity.

- 5 Site development and building works shall be carried out only between the hours of 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 and 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.

- 6 Drainage requirements, including the disposal and attenuation of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

- 7 Water supply arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

- 8 (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and 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.

(b) Treated effluent shall be discharged to a percolation area which shall be provided 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, 2021

(c) 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 raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 9 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 Contributions Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

the 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.

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 Contributions Scheme made under Section 48 of the Act be applied to the permission.

Fergal Ó Bric

Planning Inspectorate

30th August 2022