



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313355-22

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<b>Development</b>	Construction of a two storey type dwelling house.
<b>Location</b>	Kilmore Lower, Clondra, Co Longford.
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	21337
<b>Applicants</b>	Kevin Jones & Ann Farrell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Damien Shannon
<b>Date of Site Inspection</b>	1 <sup>st</sup> September 2022
<b>Inspector</b>	Dolores McCague

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## **1.0 Site Location and Description**

1.1. The site is located at Kilmore Lower, Clondra, Co Longford, about ½ km north of the N4 National primary road, N5, c 5km east of Termonbarry and c 6km west of Longford town. The site is located in an area which has experienced some pressure from one-off housing. The site sits between developed sites. Three lines of overhead electricity transmission cables running in different directions cross the immediate area with one line crossing the subject site.

1.2. The site is given as 0.29ha.

## **2.0 Proposed Development**

2.1.1. The proposed development is the construction of a two storey dwelling house, detached garage, entrance, boundary fence/wall, sewage system with polishing filter and all ancillary site works including connection to mains water supply.

2.2. The proposed dwelling is given as 8.6m high and has a floor area of 314.34 sq m. The garage is 50 sq m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The planning authority (PA) decided to grant permission subject to 13 conditions including, no. 2 - a 7 year occupancy requirement. The decision was in accordance with the planning recommendation.

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

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file, the first recommending further information includes:

The site has a T value of 29.94 and a P value of 32.14. It is proposed to install a packaged wastewater treatment system.

A request for further information issued 1<sup>st</sup> February 2022:

1 Need for dwelling per CPO 4.24, as it is noted that you currently live in close proximity to the area, Tarmonbarry address.

2 Design features are not in keeping with Annex 2 Rural Design Guidelines, consider a reduction of the overall scale.

3 Review finished floor levels – site is above road level.

4 Surface water details.

### **3.3. Prescribed Bodies**

3.3.1. IW – conditions.

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

3.4.1. Third party observations have been read and noted.

### **3.5. Further Information**

3.5.1. Further information was received, 9<sup>th</sup> March 2022. It includes:

- Letter from the applicants, and completed form, showing compliance with local need.
- Reduction in floor area to 296.62 sq m (from 313.34 sq m) with removal of one gable projection (play room). Other measures to ensure no overlooking north-eastwards.
- Proposed finished floor level is 500mm above road level.
- Surface water details.

### **3.6. Further Reports**

3.6.1. Planning Report

3.6.2. Indicating satisfaction with responses. It includes:

It is considered that the applicants have indicated their connection to the area and that the proposed dwelling will be their permanent place of residence, and have indicated need for the dwelling house and comply with the criteria set out in policy CPO 4.24, the precedent of development has been set for the development site and

there is a foundation currently in place on the site as such the proposed development is in keeping with the proper planning and sustainable development of the area.

Recommending permission, which issued.

## 4.0 Planning History

As given in the appeal:

PL 06/761- site 06/252 but for applicant's own use – granted.

PL 06/252 site for speculative purposes (refers to the site being between two existing houses, granted in 2003 with 10 year occupancy condition) - refused for 3 reasons 1) contrary to objectives 3.3.3.1 and 3.3.3.4 of the development plan 2003-2009; 2) ribbon development; 3) precedent and excessive development in an unserved rural area.

PL 03/572 permission for 1 house granted.

PL 03/569 permission for 1 house granted.

PL 01/490 outline permission for 1 house, granted.

PL 99/528 outline permission for 7 houses, 2 granted; condition no 1 - site numbers 1 to 5 shall be omitted.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Longford County Development Plan 2021-2027, is the operative plan. Relevant provisions include:

The rural typology map is based on 2 no. categories of rural areas: rural areas under strong urban influence and rural areas elsewhere.

This is within a Rural Area under Strong Urban Influence.

Areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large towns within the county with evidence of

considerable pressure for development of housing owing to their proximity to such settlements. The policy in these areas is to facilitate housing development by people who have strong links to the particular rural area, who are an intrinsic part of the rural community.

Such persons would normally have spent substantial periods of their lives living in the rural area as part of the established rural community, e.g. people employed in the rural area including farmers and their sons and daughters, people originally from the rural area and wishing to return, people wishing to reside near elderly parents to provide security and care, elderly parents wishing to live near other family members, people who would have grown up in rural areas seeking to build their home close to other family members, people working in rural areas such as teachers in rural schools.

Objectives:

CPO 4.24 It is the County Policy Objective to:

Accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence', subject to good planning practice, environmental carrying capacity and landscape protection considerations. Applicants seeking permission for the development of single dwelling rural housing in areas defined 'Rural Areas Under Strong Urban Influence' must satisfy the following criteria:

1. The applicant was born within the local rural area, or is living or has lived in the local rural area for a minimum of 5 years at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area. The 'Local Rural Area' for the purpose of this policy is defined as the area generally within an 8km radius of where the applicant was born, living or has lived. For the purpose of this policy, the rural area is taken to include 'Rural Settlement Clusters' listed in the Settlement Hierarchy, but excludes the Key Town, Self-Sustaining Growth Town, SelfSustaining Towns, Towns and Villages and Serviced Rural Villages listed in the Settlement Hierarchy.
2. The applicant has a functional economic or social requirement to reside in this particular rural area such as in any of the following 2 situations: (a) Economic requirements will normally encompass persons referred to in the revision to the

Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. It includes persons involved in full-time farming, horticulture or forestry as well as similar rural-based part-time occupations where it can be demonstrated that it is the predominant occupation. (b) Social requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Social Requirement in County Longford shall be taken as compliance with point 1 above. Special consideration shall be given in cases of exceptional health circumstances - supported by relevant documentation from a registered medical practitioner and a disability organisation proving that a person requires to live in a particular environment or close to family support, or requires a close family member to live in close proximity to that person.

3 The applicant does not already own or has not owned a house in the open countryside.

4. If the site is located within an Area of Special Control, there is no alternative site outside of Areas of Special Control.

5. High quality siting and design.

CPO 4.25 In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19 of the NPF.

CPO 4.26 Accommodate demand from individuals for permanent residential development in defined 'Rural Areas Elsewhere', subject to sustainable planning principles (appropriate siting and design and the demonstration of negligible impacts to existing amenities or sensitive environments).

CPO 4.27 Assess residential development in rural areas on the suitability of the area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with the relevant technical criteria.

CPO 4.28 Attach an occupancy condition to planning permissions in respect of rural housing applications in identified 'Rural Areas Under Strong Urban Influence', pursuant to Section 47 of the Planning and Development Act 2000, as amended, restricting the use of the dwelling to the applicant, as a place of permanent

residence. The period of occupancy will be limited to a period of 7 years from the date of first occupation.

CPO 4.29 Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites, notwithstanding the applicant's compliance with the local need criteria.

CPO 4.30 Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area.

CPO 4.31 Encourage the appropriate re-use and adaptation of the existing rural residential building stock in preference to new build.

CPO 4.32 Discourage ribbon development (defined as five or more houses alongside 250 metres of road frontage). The Council will assess whether a given proposal will exacerbate such ribbon development, having regard to the following: a) The type of rural area and circumstances of the applicant. b) The degree to which the proposal might be considered infill development. c) The degree to which existing ribbon development would coalesce as a result of the proposed development. d) Local circumstances, including the planning history of the area and development pressures. Notwithstanding the above, special regard will be given to the circumstances of immediate family members of a landowner on single infill sites in a line of existing dwellings with 5 or more houses along a 250 metres of road frontage.

The Rural Design Guidelines in Vol 3 Annex 7 and DMS 16.88, also DMS 16.89.

## **5.2. Project Ireland 2040, Building Ireland's Future, National Planning Framework**

5.2.1. A national planning framework to guide development and investment over the coming years. it includes:

National Policy Objective 19 - Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller



towns and rural settlements; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

### **5.3. Circular letter PL 2/2017**

- 5.3.1. It includes: concerns have been raised arising from the Flemish Decree case, in relation to the 'local needs criteria' in the 2005 Guidelines, particularly requirements incorporated in local authority development plans further to these criteria that persons wishing to apply for planning permission for a house in designated rural areas should fulfil a prior minimum residency requirement in the rural area in question or have familial ties to that specific rural area. Requirements that planning applicants have occupational or employment related ties to the rural area in question is not considered problematical in this context as such criteria are non-discriminatory between locals and non-locals.

### **5.4. Natural Heritage Designations**

- 5.4.1. The nearest Natura sites are Ballykenny-Fisherstown Bog SPA (site code 004101) and Lough Forbes Complex SAC (site code 001818) 0.7km to the north-west, and hydrologically connected to the subject site; and Brown Bog SAC (site code 002346) c 0.6km to the east.

### **5.5. EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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

6.1.1. The third party appeal has been submitted by Damien Shannon. The grounds includes:

- Negative impact on the rural area and appellant's home.
- Local need.
- Contrary to housing objectives.
- Overlooking/ overbearing impact on neighbouring property.
- Site topography.
- Surface water, septic tank.
- Planning history.

6.1.2. Planning history:

Applicants have no link or family connection with the lands.

CPO 4.19 where there is a history of speculative development the authority should restrict development.

99/528 for 7 houses allowed only 2 sites. no further houses 'to prevent pollution, drainage problem and to protect the rural and agricultural character of the area in accordance with the policies of the Longford County Development Plan, 1997'.

In 2006 a further house was refused citing unsustainable ribbon development. this was also speculative. A subsequent grant 06/761 to the same applicant and sold, contrary to the condition of 99/528. The reason for refusal (06/252) and condition (99/528) should be enforced. No further speculative development.

The previous grant of permission is no indicator.

6.1.3. Local need:

The objectives CPO 4.24 are not met. The applicants have no link or family connection to the lands. They are not an intrinsic part of the local community in which the appeal site is located. The appellant refers to the current address in Tarmobarra and previous house owned in Longford Town.

6.1.4. Contrary to housing objectives:

Not in line with protecting agricultural land.

Not in line with directing growth towards key designated settlements.

Not in line with achieving densities in growth centres, fostering compact growth, and at odds with the settlement strategy, section 4.8.12, avoiding ribbon development.

This is akin to the Rural Areas under Strong Urban Influence per Rural Housing Guideline, section 3.2 is quoted.

6.1.5. Infill development

It cannot be considered infill development. If it were considered infill development, further potential sites would arise. If permitted it would give rise to 3 dwellings on 150m on frontage.

It cannot be considered that a precedent has been established.

6.1.6. Design

No consideration has been given to the relationship with neighbouring houses. An imposing dwelling less than 5m from the NE boundary. Finished floor levels exceed 1.2m above the NE boundary hedge and local road. Visually obtrusive.

The overall scale was not reduced as requested in the FI request. Not in keeping with annex 2.

Significant ESB power lines traverse diagonally. It is unclear what steps the owners are taking to address the obvious dangers of building a dwelling within 25 yards of the lines. It is obligatory to notify the ESB within two months before the construction of a building within 25 yards of an electricity line to allow it to advise in relation to any risks and to stipulate security measures. Appellant is concerned about rerouting and has not been consulted or advised of risks. Shutting down any power lines would put the supply of power to local and regional customers at risk.

6.1.7. Overlooking/ overbearing.

The impact on neighbouring property – large first floor window from the study directly overlooking. Frosted glazing is not adequate.

Windows facing NW and none facing SE where natural light would be available.

Hedge planted on appellant's site, per conditions of his permission, is a beech hedge and provides no screening in autumn / winter. Overbearing impacts are exacerbated by higher ground level; as is daylight and sunlight impairment, noise, loss of amenity and value of property. The large first floor window is atypical and unusual. Condition no.12 is not acceptable.

6.1.8. Site topography:

The height and scale of the development greatly exceeds the height of existing houses in the area due to the elevated nature of the site of the proposed development. The revised layout raises the house further. Previous site plan - road level 99.457, ffl 100.750 (1.293m above). Revised site plan - road level 44.649, ffl 46.0m (1.513m above).

There are no foundations currently on the site.

6.1.9. Surface Water

WWTP and percolation area are located to the front of the site. It is difficult to comprehend as this area is liable to flash flooding.

The gradient lends itself to water flooding onto the public road.

The information submitted is inadequate.

6.1.10. Over-concentration of WWT systems / water contamination risk.

Inadequate examination of cumulative impact, of 4 systems within 130m.

The site suitability report states locally important aquifer and low vulnerability.

Mapping indicates regionally important aquifer and highly vulnerable groundwater.

Appellant has installed a number of gullies, manholes and discharge points on his site and is concerned about proximity of WWT systems.

River Fallan c 1km to the rear, and a stream runs along adjacent to appellants dwelling, which flows to R Shannon at Tarmonbarry; potential for water contamination.

6.1.11. Road/traffic

L1002 max 80km speed limit.

Traffic hazard on local road and the N5, max 100km speed limit.

6.1.12. The grounds is accompanied by photographs and other details, including the planning history.

## **6.2. Applicant Response**

6.2.1. A response to the appeal has been submitted on behalf of the first party by Cunningham Design & Planning Consulting Engineers. The response includes:

- Local need as submitted to the PA is attached.
- All the other issues raised in the appeal were raised during the course of the planning process and responded to.

## **7.0 Assessment**

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, local need, the design of the dwelling and residential amenity, the overhead electricity transmission lines, effluent treatment, surface water and other issues and the following assessment is dealt with under those headings.

### **7.2. Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **7.3. Local Need**

7.3.1. The grounds of appeal refers to the local need, that the applicants have no link or family connection to the lands; and that the objectives CPO 4.24 are not met.

7.3.2. The site is in an area identified in the indicative outline NSS Rural Area Types map as a structurally weak area.

7.3.3. The rural typology map (Figure 4.5) of the Longford County Development Plan 2021-2027 identifies this area as under urban influence, or, as stated in the plan text, an under strong urban influence. Objective CPO 4.24 sets out the criteria for assessing

local need in such areas. The assessment would include for example that they are seeking to build a home close to family members, the applicant states her wish to live close to her mother; that she is from a rural area within 8km of the site; that she has not owned a house in the open countryside; and that she intends that this should be her permanent home. These appear to be the salient facts per CPO 4.24as regards this appeal. On the basis of the adopted plan, the applicants comply with local need.

- 7.3.4. The other issues raised by the appellant in this regard, including reference to achieving densities in growth centres, fostering compact growth, etc, are quoted from the development plan, however if any conflicts arise, between quoted sections of the plan these are matters for addressing at policy formulation stage, prior to adoption of a development plan. The policy objectives, of the adopted plan, most relevant to this appeal are those in CPO 4.24.

#### **7.4. Design / Residential Amenity**

- 7.4.1. The appellant has concerns in relation to the design of the house, its scale, the finished floor level in relation to the road and adjoining properties, and in particular the first floor study window which faces the northern site boundary at a distance of just over 10m, stated by the appellant to be 5m. The appellant states that no consideration has been given to the relationship with neighbouring houses; that the finished floor levels exceed 1.2m above the NE boundary hedge and the local road; and that the beech hedge, which the appellant planted along the boundary, in accordance with planning conditions, does not provide effective screening.
- 7.4.2. The land within the site rises from the road and is higher than the adjoining site. The house was reduced in scale in response to the request for further information by the reduction in floor area to 296.62 sq m (from 313.34 sq m) with removal of one single storey gable projection (play room). The revisions also show that the study window will have frosted glass. Although the appellant is concerned that the proposed house will be visually obtrusive, it is not dissimilar in bulk to the existing houses to either side. There is a difference in ground level and floor level such that the proposed house may be marginally more prominent in the landscape than the existing houses.

In my opinion potential overlooking from the study window is adequately addressed by the use of obscured glazing and restricting window opening.

- 7.4.3. Design, overbearing impact or residential amenity should not be reasons to refuse or modify the proposed development.

## **7.5. Overhead Electricity Transmission Lines**

- 7.5.1. As pointed out in the grounds of appeal, there are overhead electricity transmission lines crossing the site. These lines should be the subject of a condition requiring the developer to give prior notice of commencement of development to the ESB.

## **7.6. Effluent Treatment**

- 7.6.1. The grounds of appeal states as a concern the concentration of septic tanks along a short length of roadway, that the site assessment wrongly states the aquifer classification and vulnerability, and that there is a water contamination risk from the proposed effluent treatment system.
- 7.6.2. The appellant questions the location of the effluent treatment and percolation area, as this area they state is liable to flash flooding. A photograph of water lodging on the site is provided, which it should be noted is at the roadside boundary. The proposed percolation area is at a remove and upslope of that location.
- 7.6.3. The site characterisation form reports the results of T tests and P tests as 29.94 and 32.14 respectively, indicating that per the EPA code of practice the site is suitable for the disposal and treatment of effluent. As the grounds of appeal points out, the site characterisation form states the groundwater body as a 'locally important aquifer', although also stating it to be 'Rk'. It is a regionally important karstified aquifer. The site characterisation form states the vulnerability as 'moderate' whereas it is 'high'. However the groundwater protection response is correctly stated as R2<sup>1</sup>. I am satisfied with the information provided, and that the use of a package treatment system with percolation to ground is acceptable.

## **7.7. Surface Water**

- 7.7.1. The grounds of appeal states as a concern that the gradient of the site lends itself to water flooding onto the public road.
- 7.7.2. The land falls towards the road. The applicant proposes making provision for surface water from the proposed driveway and house within the site, and at the roadside boundary a drainage channel is to be installed across the proposed entrance to prevent any surface water runoff from the site, flowing onto the public road. These measures appear to me to be adequate. A condition requiring surface water arrangements to comply with the requirements of the planning authority should be attached to any permission.

## **7.8. Traffic Safety**

- 7.8.1. The grounds of appeal states traffic safety as a concern, stating that the road fronting the site, local road L1002 has a maximum speed limit of 80km/hour. it also refers to the nearby National primary road, the N5, which has a maximum speed limit of 100km/hour.
- 7.8.2. The applicant has shown the provision of 3m x 90m sightlines. Traffic safety should not be reasons to refuse or modify the proposed development.

## **8.0 Recommendation**

- 8.1.1. Having regard to the foregoing assessment it is considered that the proposed development should be granted for the following reasons and considerations and in accordance with the following conditions.

## **9.0 Reasons and Considerations**

The proposed development of a dwelling for a member of the local community accords with the provisions of Longford County Development Plan 2021-2027. The site is suitable for the disposal and treatment of effluent. The proposed house design would not detract from the visual or residential amenities of the area being in keeping with houses in the area. The proposed development would accordingly 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 as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of March 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.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p>

	<p><b>Reason:</b> 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>
3.	<p>Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall consult with the ESB in relation to the overhead system which traverses the site and shall inform the planning authority of the outcome of those consultations prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of health and safety.</p>
5.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
6.	<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 and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – The Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall</p>

	<p>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>
7.	<p>The first floor north-facing study window shall be glazed in obscured glazing which shall be incapable of being opened below a level of 1.5m above floor level.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
8.	<p>The detailed treatment of the splayed entrance, gates, road boundary set-back, roadside area and replacement hedge shall be as agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

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 Contribution Scheme made under section 48 of the Act be applied to the permission.

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Planning Inspector

13<sup>th</sup> September 2022

Appendices:

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027, extracts.

Appendix 3 GSI.ie map extracts.

Appendix 4 Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10) – The Environmental Protection Agency, 2021, extracts.