



An
Bord
Pleanála

Inspector's Report

ABP-313803-22

Development	Construction of dwelling and waste water treatment plant with percolation area, along with connection to existing services.
Location	Ballyeghan Lower, Malin, Lifford PO, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2152397
Applicant(s)	Ciaran Kelly and Teresa Mullin.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Raphael Farren.
Observer(s)	None.
Date of Site Inspection	5 th December 2022.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.26ha and is located in the townland of Ballyeghan Lower, approx. 4km east of Malin, in north County Donegal. It is located at the end of a privately owned stone track, which in addition to the site, provides access to farmland and an adjacent farmyard to the south. The stone track connects to the L-52812 and is narrow, measuring approx. 3.5m wide.
- 1.2. The site comprises an area of rough ground that is stated by the applicant to be in use for agricultural storage and it provides access to farmland to the west. It is bounded by a mix of scrub/vegetation to the south, west and north and there is also a stand of mature trees to the north.
- 1.3. The site is elevated above the L-5281. The area has experienced limited growth and has an isolated rural character. There is a single detached house approx. 325m north (measured in a direct line), at the end of the L-52812, which is owned by the appellant. There is scattered rural housing in the wider area including a number of clusters along the L-5281.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises the construction of a single storey house, wastewater treatment system and connection to existing services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 19th May 2022, subject to 15 No. conditions. The following are of relevance to the appeal: -

Condition 2 limited occupation of the dwelling, for a period of 7 years following construction.

Condition 3 required provision of sightlines of 2.4m x 70m in both directions from the site access.

Condition 4 required removal and replacement of a section of hedgerow along the road frontage of the site.

Condition 6 required that the full site frontage or roadside drain to be piped, with details to be agreed with the Planning Authority.

Condition 7 required that the area between the old and new front boundaries should be soiled and seeded to a height of no more than 100mm above the level of the carriageway.

Condition 15 required payment of a financial contribution of €2,857.56 in accordance with the adopted development contribution scheme.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports dated 25th January 2022 and 10th May 2022 have been provided.

The first report states that the principle of development is acceptable in this structurally weak area, in view of a letter of bona fide provided by an Elected Member. The proposed design is also stated to be acceptable. The report recommends that additional information be requested, in relation to (a) the location of the proposed well and (b) proposed sightlines.

3.2.2. The second report followed the AI response. It summarises and responds to the AI response items and recommends that permission be granted, subject to 16 No. conditions. Recommended condition No. 11 (related to construction and use of the proposed garage) was subsequently identified to be omitted from the decision.

3.2.3. Other Technical Reports

Handwritten comments from the **Roads Department** dated 25th January 2022 have been provided, which recommend standard conditions as part of a grant of permission.

3.3. **Prescribed Bodies**

3.3.1. The Planning Report indicates that Irish Water was consulted on the application but did not make a submission.

3.4. Third Party Observations

3.4.1. A single third-party letter of objection was received, the contents of which can be summarised as follows: -

- Site notices.
- Biodiversity.
- Road safety.

4.0 Planning History

4.1. I did not encounter any recent planning records pertaining to the site.

5.0 Policy Context

5.1. Donegal County Development Plan 2018-2024

5.1.1. The site is in a rural, unzoned part of County Donegal. Map 6.2.1 'Rural Area Types' identifies that the site is in a 'structurally weak area'.

5.1.2. Section 6.3 contains the rural housing strategy and of relevance to the appeal, Policy RH-P-4 states that in structurally weak areas, proposals for new one-off housing from applicants with a need for a dwelling house (urban or rural generated need) will be considered, provided applicants demonstrate that they can comply with all other relevant policies of this Plan, including RH-P-1 and RH-P-2. Other relevant rural housing policies include: -

5.1.3. Relevant rural housing policies and objectives are: -

RH-P-1: It is a policy of the Council that the following requirements apply to all proposals for rural housing:

1. Proposals for individual dwellings shall be subject to the application of Best Practice in relation to the siting, location and design of rural housing as set out in Appendix 4 and shall comply with Policy RH-P-2;
2. Proposals for individual dwellings shall be sited and designed in a manner that enables the development to assimilate into the receiving landscape and that is

sensitive to the integrity and character of rural areas as identified in Chapter 7 and Map 7.1.1 of this Plan. Proposals for individual dwellings shall also be located in such a manner so as not to adversely impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy NH-P-17;

3. Any proposed dwelling, either by itself or cumulatively with other existing and/or approved development, shall not negatively impact on protected areas defined by the North Western International River Basin District plan;
4. Site access/egress shall be configured in a manner that does not constitute a hazard to road users or significantly scar the landscape, and shall have regard to Policy T-P15;
5. Any proposal for a new rural dwelling which does not connect to a public sewer or drain shall provide for the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;
6. Proposals for individual dwellings shall be subject to the flood risk management policies of this Plan;
7. In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended).

RH-P-2: It is a policy of the Council to consider proposals for a new rural dwelling which meets a demonstrated need (see Policies RH-P-3–RH-P-6) provided the development is of an appropriate quality design, integrates successfully into the landscape, and does not cause a detrimental change to, or further erode the rural character of the area. In considering the acceptability of a proposal the Council will be guided by the following considerations:-

1. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;
2. A proposed dwelling shall not create or add to ribbon development (see definitions);

3. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;

4. A proposed dwelling will be unacceptable where it is prominent in the landscape; and shall have regard to Policy T-P-15;

5. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings (as elaborated below).

RH-P-4: It is a policy of the Council to consider proposals for new one-off housing within structurally weak rural areas from any prospective applicants with a need for a dwelling house (urban or rural generated need), provided they demonstrate that they can comply with all other relevant policies of this Plan, including RH-P-1 and RH-P-2. New holiday home development will not be permitted in these areas.

RH-O-3: To ensure that new residential development in rural areas provides for genuine rural need.

RH-O-5: To promote rural housing that is located, designed and constructed in a manner that is sustainable and does not detract from the character or quality of the receiving landscape having particular regard to the Landscape Classifications illustrated on Map 7.1.1 and contained within Chapter 7 of this Plan.

5.1.4. According to Map 7.1.1 'Scenic Amenity' the site is located in an area of Moderate Scenic Amenity. Policy NH-P-7 is thus relevant to the development, stating: -

NH-P-7: Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate

development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.

5.2. National Planning Policy Framework

5.2.1. National Policy Objective 19 is of relevance to the proposed development. It requires the following:

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

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

5.3.1. The Guidelines identify a number of rural area typologies and accompanying Map 1 provides an indicative outline of these area typologies. According to this indicative map, the subject site is in a ‘structurally weak area’. It is noted from the Guidelines that this map is an indicative guide to the rural area types only and that the development plan process should be used to identify different types of rural area.

5.3.2. For structurally weak areas the Guidelines outline that the development plan should *‘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.’*

5.3.3. The Guidelines require a distinction to be made between urban and rural generated housing needs, in the different rural area types. In relation to the identification of people

with rural generated housing needs, the Guidelines refer to ‘Persons who are an intrinsic part of the rural community’ and ‘Persons working full-time or part-time in rural areas. Of relevance to this appeal, ‘Persons who are an intrinsic part of the rural community’ are identified as having “*spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes.*”

5.4. Natural Heritage Designations

- 5.4.1. The site is not located within or adjacent to any designated European site. The closest such sites are Trawbreaga Bay SPA (Site Code 004034) and North Inishowen Coast SAC (Site Code 002012), which are c.1.9km west.
- 5.4.2. North Inishowen Coast (Site Code 002012) is also designated as a proposed Natural Heritage Area.

5.5. EIA Screening

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
 - Construction of more than 500 dwelling units,
- 5.5.3. The proposed development consists of one house and associated site works including a wastewater treatment system. It falls well below both of the applicable thresholds for mandatory EIA, as set out above.
- 5.5.4. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development, it is considered that 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 grounds of appeal can be summarised as follows: -

- The adequacy of public notices associated with the application are questioned.
- The site is accessed from a road that leads to a dead-end. The road width is insufficient to allow for two-way traffic flows and additional development will lead to traffic incidents.
- The appellant farms land in the area and is dependent on the road for farm operations. Additional development and traffic will impact on farm operations.
- The appellant has lived and farmed in the area and his relationship with the land and wildlife the appellant's way of life will be affected by further development and human activity in the area.
- Housing development in the area has resulted in personal difficulties and conflict between residents and further development will bring additional pressure.
- The subject site is adjacent to an area of the appellant's farm that has been fenced and unmaintained for 25 years and which has become a wildlife habitat.

6.2. Applicant Response

6.2.1. The applicant responded to the appeal on 13th July 2022. The contents of the submission can be summarised as follows: -

- The site is a parcel of rough ground, used for agricultural purposes. It is of no particular beauty.
- Some disruption of the area is inevitable but the applicants' intention is to minimise this and to retain as many mature trees as possible.
 - The site is not located within an SAC.
- The house will assimilate into the local environment over time.

6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority made a submission on 11th July 2022, advising that it is content to rely on reports which have been provided as part of the appeal documentation.

6.4. **Observations**

- 6.4.1. None.

6.5. **Further Responses**

- 6.5.1. None.

7.0 **Assessment**

- 7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Compliance with the rural housing strategy,
- Design and residential amenity,
- Biodiversity,
- Access,
- Drainage, and
- Appropriate assessment.

7.2. **Compliance with the Rural Housing Strategy**

- 7.2.1. The subject site is in a rural area designated by the development plan as a 'structurally weak area.' The designated area corresponds to the area east of Malin and north of Culdaff, in the northern-most part of the Inishowen peninsula. In such locations development plan policy RH-P-4 states that proposals for one-off housing will be facilitated, for both rural and urban generated need, subject to other planning policies.

- 7.2.2. NPO 19 of the National Planning Framework also seeks, for rural areas outside of those under urban influence, to facilitate single houses in the countryside but includes the proviso '*having regard to the viability of smaller towns and settlements*'.
- 7.2.3. The Rural Housing Guidelines also state that in these areas, rural housing proposals should be accommodated, subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.
- 7.2.4. The site is not in an area under urban pressure and, as such, there is no restrictive approach to the development of single houses in this area, in accordance with the development plan, National Planning Framework or Rural Housing Guidelines
- 7.2.5. The lane on which the site is located has experienced limited development to date and it has a rural character. I am satisfied that the proposed development can be accommodated and that it would not contribute to overdevelopment of the area. I am satisfied that the proposal is in accordance with policy RH-P-4, subject to consideration of other matters as discussed below.
- 7.2.6. I note that the Planning Authority did not express any concern regarding compliance with the rural housing strategy and the grounds of appeal also do not raise any concerns in this regard.

7.3. **Design and Residential Amenity**

- 7.3.1. The proposed house has a traditional bungalow design and has a stated gross floor area of 231.9sqm. In view of the relatively isolated site location, I am satisfied that the development will have a limited if any effect on the visual amenity of the area.
- 7.3.2. I have given consideration to the proposed internal layout of the house and note that it is adequately sized, in accordance with the recommendations of the *Quality Housing for Sustainable Communities* (2007) guidelines, as referenced by the development plan.

7.4. **Biodiversity**

- 7.4.1. The appellant expresses concern for the established way of life in this isolated area and the impact of the development on biodiversity.
- 7.4.2. Regarding potential impacts on the appellant's way of life, I note from the appeal documents that the appellant's home is over 300m from the subject site. In view of this level of separation and the smallscale nature of the proposal, I am satisfied that

the development will not have any material impact on the appellant's residential amenity or way of life. The proposed house is located adjacent to an area that is identified by the appellant as a second farmyard. Amenity issues do not arise for this adjacent site.

- 7.4.3. Regarding impacts on biodiversity more generally, the encroachment of human activity into this isolated area is likely to have an effect on wildlife but, the site and surrounding area are not designated for the protection of wildlife. Further, I noted on my site inspection that the site comprises of rough ground and is used for vehicle turning and access to adjacent farmland. It does not, in my view, contain any ecological habitat of such importance that would justify a refusal of permission for the proposed development.

7.5. **Access**

- 7.5.1. The site is located at the end of a narrow, stone track that is indicated by the appellant as being privately owned. The appellant expresses concern that use of the track by the applicants will lead to accidents.
- 7.5.2. The stone track provides access to farmland and the appellant's farmyard. The L-52812 to which it connects provides access to the appellant's home and farmland. As part of the AI response the applicant provided the results of a traffic survey, undertaken on two separate dates in March 2022 and over a period of 4 hours, which states that 1 vehicle was encountered on the L-52812 during the survey period. I am satisfied that, in view of the lightly trafficked nature of the track, the proposed development which will itself generate a low volume of traffic, will not result in the creation of a traffic hazard.
- 7.5.3. Regarding sightlines, as part of the AI request the Planning Authority requested to demonstrate sightlines of 2.4m x 120m from access point onto the public road. In responding to the request, the applicant provided the above-mentioned traffic survey results and submitted that 85th percentile speeds on the road are below 30km/h. I note that following receipt of the AI response, the Planning Authority did not express any further concerns regarding sightlines.
- 7.5.4. Proposed sightlines at the access to the site are not identified on the site layout drawing but I observed on the site that a north sightline of c.15-20m is available. In view of the narrow width and very low traffic levels it experiences, I am satisfied that

this level of visibility of acceptable. Proposed sightlines at the junction of the stone track and L-52812 are also acceptable.

7.6. Drainage

Foul Drainage

- 7.6.1. The development includes the provision of a packaged wastewater treatment system and polishing filter. The Site Suitability Assessment Report submitted with the application identifies that the category of aquifer as 'poor', with a vulnerability classification of 'Extreme'. Table E1 (Response Matrix for DWWTSSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems identifies an 'R2¹' response category i.e., acceptable subject to normal good practice. The Code of Practice also states under the response category that where domestic water supplies are located Nearby, particular attention should be given to the depth of subsoil over bedrock such that the required minimum depths are met and the likelihood of microbial pollution is minimised.
- 7.6.2. A trial hole with a depth of 1.85m recorded gravelly silt/clay, with mixes of silt and stone over its full depth. Bedrock is identified as having been encountered at the base of the trial hole. The water table is stated to have not been encountered. In relation to the percolation characteristics of the soil, a sub-surface percolation value of 27.78 min/25mm was returned. A surface percolation value of 29.03 min/25mm was returned. The Report concludes that whilst site conditions are favourable for an on-site wastewater treatment system, the site does not have the topography to accommodate a conventional septic tank system. In this context a packaged WWTP and soil polishing filter system is proposed. For the polishing filter, the report recommends that infiltration pipes be placed at ground level.
- 7.6.3. Levels identified on the site layout drawing are unclear but appear to show a topographical drop of c.2m in the area of the proposed polishing filter, with land levels falling further to the south. I am thus unclear on the extent of land reprofiling likely to be required as part of the installation of the polishing filter.
- 7.6.4. Notwithstanding the above, having regard to the site percolation test results, I consider it has been demonstrated that the site can accommodate a wastewater treatment system. Should the Board decide to grant permission, I recommend a condition be

attached requiring the applicant to agree the detailed specification of the on-site wastewater treatment system and polishing filter with the Planning Authority.

Surface Water

- 7.6.5. The site layout drawing identifies that surface waters are proposed to discharge to a ditch adjacent to the southeast site boundary. No further details of the proposed drainage system are provided and the Board may wish to clarify same.
- 7.6.6. I note that the Planning Authority and appellant did not express concerns regarding the proposal and there is nothing within the appeal documentation that would lead me to question the proposed approach.
- 7.6.7. The Site Suitability Assessment Report recommends that surface water should be discharged beyond the polishing filter and that an up-gradient surface water drain should be incorporated, to intercept surface waters and ensure same do not drain into the polishing filter.
- 7.6.8. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to agree the detailed layout of the surface water drainage system with the Planning Authority.

7.7. Appropriate Assessment

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.7.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.7.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

- 7.7.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 7.7.5. The development is described at Section 2 of this Report. In summary, permission is sought for the construction of a single storey house, wastewater treatment system and connection to existing services, on a site with a stated area of 0.26ha. The development includes a packaged wastewater treatment system and polishing filter and surface water is proposed to discharge to a ditch adjacent to the southeast site boundary.

Submissions and Observations

- 7.7.6. The submissions from the appellant, applicant and Planning Authority are summarised as Section 6 of my Report.

European Sites

- 7.7.7. The site is not located within or adjacent to any designated European site. The closest such sites are Trawbreaga Bay SPA (Site Code 004034) and North Inishowen Coast SAC (Site Code 002012), which are c.1.9km west. The North Inishowen Coast SAC wraps around the north end of the Inishowen peninsula and also encroaches to within c.3.3km east.
- 7.7.8. There are a number of other European sites within a 15km search zone but I am satisfied that there is no possibility of significant effects arising other than for those European sites in the vicinity of the subject site.

Evaluation of potential significant effects

- 7.7.9. The development does not give rise to any direct effects on the European sites, in terms of habitat loss or fragmentation.
- 7.7.10. Regarding the potential for indirect effects, the construction phase gives rise to the potential for run-off containing suspended solid and/or pollutant content. The site layout drawing identifies that there is a drainage ditch adjacent to the southeast corner of the site. The ditch is not identified on available drainage mapping but EPA

drainage mapping¹ identifies that surface waters in the area drain to the east and also identifies a watercourse to the east of the site (named Ballyboe Trib 1), on the west side of the L-5281, which the ditch is likely to drain into. The watercourse is c.400m from the site (measured in a direct line) and I am satisfied that run-off containing suspended solid and/or pollutant content is unlikely to discharge into the watercourse. Indeed, in the unlikely of such a discharge there is a distance of over 2km to the European site and I am satisfied that there is no likelihood of material being discharged to waters within the European sites. I am thus satisfied that the issue can be excluded at this stage.

- 7.7.11. For the operational phase, surface waters are proposed to discharge to the ditch and there is potential for run-off containing suspended solid and/or pollutant content to be discharged to the ditch. Similar to construction run-off, I am satisfied that run-off containing suspended solid and/or pollutant content is unlikely to discharge into the nearest watercourse and, in the unlikely of such a discharge, there is a distance of over 2km to the European site which is adequate to ensure there is no likelihood of material being discharged to waters within the European sites. I am thus satisfied that the issue can be excluded at this stage.
- 7.7.12. Effluent will be treated within a packaged wastewater treatment system and polishing filter, prior to discharge to groundwater. The site has been shown by percolation testing to be suitable for the treatment of effluent. It is distant from the European sites and I am satisfied that there is no likelihood of significant effects arising from the treatment of effluent on the site.

Screening Determination

- 7.7.13. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Nos. 004034 and 002012, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

¹ <https://gis.epa.ie/EPAMaps/>

8.0 Recommendation

8.1. I recommend that permission be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to: -

- The location of the site in a rural designated by the Donegal County Development Plan 2018-2024 as a Structurally Weak Area,
- The provisions of development plan Policy RH-P-4, which states proposals for new one-off housing within structurally weak rural areas will be considered, subject to compliance with other relevant policies,
- The provisions of National Policy Objective 19 of the National Planning Framework (2018), which states that in rural areas other than those identified as being under urban influence, proposals for single housing in the countryside should be facilitated 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,
- The provisions of the Sustainable Rural Housing Guidelines (2005), which state that in structurally weak areas the demand for permanent residential development should be accommodated as it arises, subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and 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 further
----	---

	<p>information dated 26th April 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>Reason: 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 [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Water supply and surface water drainage arrangements, including the disposal of surface water which shall incorporate SuDS measures, shall comply with the requirements of the planning authority for such works and</p>

	<p>services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The vehicular access, including visibility splays, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interests of traffic and road safety</p>
5.	<p>The proposed wastewater drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>Reason: In the interest of public health.</p>
6.	<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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<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 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</p>

	<p>and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
--	---

Barry O'Donnell
Planning Inspector

9th January 2023.