



An  
Bord  
Pleanála

# Inspector's Report

## ABP-314388-22

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<b>Development</b>	Demolition of derelict cottage and the construction of house and garage.
<b>Location</b>	Tubbrid, Minane Bridge, Carrigaline, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	225253
<b>Applicant(s)</b>	Hugh McElligott
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Denis & Maureen Lynch
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> of April 2023
<b>Inspector</b>	Adrian Ormsby

## 1.0 Site Location and Description

- 1.1. The site is located along a local road c. 5.5km south of Carrigaline in the townland of Tubbrid. The site is accessed off a local private road that serves an existing agricultural building and access to the former house now in poor condition on the site.
- 1.2. The site is elevated from the private road to its east, is relatively flat and is well maintained as part of the landholding and amenity space of the applicant's parent's single storey home just to the south of the site.
- 1.3. The site access road is a narrow, poorly surfaced private road just north of the local public road. OS Discovery Series mapping available to the Board shows the site generally located along the 90 contour mark with a relatively quick fall in lands to the 80m mark c. 100m southwards of the site suggestive of local groundwater flow direction.
- 1.4. There is an existing house south east of the site that appears to be in the Appellants ownership. Surface water inspection chambers and the spring well were evident along the public road and set back from the eastern edge of the public road near the Appellant's home.
- 1.5. The Board are advised that a Recorded Monument CO099-092- Class: Ritual site - holy well is located South east of the site not far from the location indicated by the Appellants as their spring well. This is described as 'St. Brigid's Well' and its exact location is indicated as not known.<sup>1</sup> The application site is located outside the archaeological zone of notification.
- 1.6. The site has a stated area of 0.203ha.

## 2.0 Proposed Development

- 2.1. This application comprises of permission for-
  - dwelling house 210 sq.m, 6.156m high
  - detached garage 47 sq.m, 5.194m high

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<sup>1</sup> <https://maps.archaeology.ie/HistoricEnvironment/> accessed 21/06/23

- waste water treatment unit,
- demolition of 60 sq.m derelict cottage and
- all associated site works.

2.2. The application is accompanied by-

- Property Condition Report for the existing structure on site
- Site Characterisation Report
- Letter of Consent from the Applicants parents
- A Supplementary Planning Application form and letter from Applicant

2.3. The Planning Authority have accepted Unsolicited Information in response to the third party submission on the 04/07/22 and the 12/07/22. This includes a map identifying the location of the spring well in the Appellants lands south east of the site. These submissions then form part of Condition 1.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The Planning Authority decided to grant permission on the 22/07/22 subject to 18 conditions generally of a standard nature, including the following-

- Condition 1 standard drawings and particulars submitted with application on the 31/05/22, 04/07/22 and 12/07/22
- Condition no. 2 development contribution
- Condition no. 3 Occupancy Condition 7 years
- Condition no. 6 demolition of derelict structure within 3 months of dwelling completion
- Condition no. 15 surface water shall not be permitted to flow onto the public road from the site.
- Condition no. 16 Surface water shall be disposed of within the site by means of soakways and shall not be allowed to flow onto public road.

- Condition no. 17 existing roadside drainage arrangements shall be preserved
- Condition no. 18 wastewater treatment and disposal in accordance with EPA COP 2021.

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The report of the Planning Officer (dated 21/07/22) generally reflects the decision of the Planning Authority. The following is noted from the report:

- Requirement for Appropriate Assessment has been screened out having regard to the lack of ecological or hydrological connection between the site and any European Sites.
- The site is located in a Rural Area under strong urban influence and Town Greenbelts (GB 1-1) as identified in the Cork CDP 2022-2028.
- Policy Objective RP 5-4 applies and the applicant complies with (a) and (d) being son of farmer building a first home on the family farm and being a person who has spent over seven years living in the local area.
- Surface water will be directed to soakpits only on site by condition..
- Unsolicited information was submitted by the applicant on the 12/07/22 countering the issues raised by a third party submission.
- A condition report on the existing building on site has been submitted. It concludes the property is in poor state and beyond repair.

### 4.2. Other Technical Reports

- Area Engineer-
  - 20/07/22- No objection subject to conditions

#### 4.3. Prescribed Bodies

- None

#### 4.4. Third Party Observations

- One third party submission was received. The issues raised in this submission are generally those issues raised in the grounds of appeal and are summarised in section 7.1.

#### 5.0 Planning History

- None recent

#### 6.0 Policy Context

##### 6.1. Cork County Development Plan 2022-2028

6.1.1. It is noted the application was originally lodged at a time the previous County Development of 2014-22 was in effect. The current County Plan 2022-2028 has been in effect since 6th of June 2022.

6.1.2. Volume 1, Chapter 5 is titled Rural and deals with such matters including houses in rural areas. The following County Development Plan Objective is relevant-

- RP 5-4: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1

*The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:*

*(a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.*

*(b) Persons taking over the ownership and running of a farm on a full-time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.*

*(c) Other persons working full-time in farming (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.*

*(d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.*

*(e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.*

6.1.3. Section 5.11 deals with ‘Replacement of Rural Dwellings’. Paragraph 5.11.2 states-

*“In the interests of clarity, the provisions of Objective RP 5-2 (i.e. the ‘Rural Generated Housing Need’ requirement) and Objective RP 5-25 (i.e. Occupancy Clause) will not apply to the replacement of habitable dwellings.”*

I note the existing structure on site is not considered habitable and the Planning Authority have applied ‘Rural Generated Housing Need requirements’ and have imposed an occupancy condition. The following County Development Plan Objective is relevant-

- RP 5-29: Replacement Rural Dwellings

*In circumstances involving the replacement of an existing habitable dwelling, the Planning Authority will consider proposals for the replacement or refurbishment of such a house, having regard to the requirements of other*

*relevant policies and objectives in this plan and subject to normal planning considerations. The definition of what constitutes a house will be as described in planning legislation.*

6.1.4. Paragraphs 5.6.6 and 5.6.7 deal with Servicing Single Housing in Rural Areas. The following objective is relevant-

- RP 5-23: Servicing Single Houses (and ancillary development) in Rural Areas

*a) Ensure that proposals for development incorporating on-site wastewater disposal systems comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) and Wastewater Treatment Manual - Treatment Systems for Small Communities, Business Centres, Leisure Centres and Hotels (1999), or relevant successor approved standards / guidelines (including design, installation and maintenance). The cumulative impact of such systems will also be considered in the assessment process.*

*b) Surface water should be disposed of using sustainable drainage systems and in a manner that will not endanger the receiving environment or public health. The use of permeable paving should also be considered to reduce run off.*

## 6.2. Guidance Documents

- EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), 2021

## 6.3. Natural Heritage Designations

6.3.1. The site is located c. 3.5 km west of-

- the Cork Harbour SPA (004030)

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A third party appeal has been submitted from Denis and Maureen Lynch. The grounds of their appeal can be summarised as follows-

- A Spring gravity well that serves their farm and household has been omitted from the Site Characterisation Form (SCF) and 250m radius zone map even though it is approximately 60m downstream.
- The wetland area surrounding the well has not been identified on the SCF or in any part of the application.
- The separation distance from the proposed percolation area, the wetland area and spring well are not sufficient at minimum 60 m to protect the water source.
- Condition 17 states existing roadside drainage should be preserved. This allows two drains to enter a manhole without planning permission or consent from the Appellant.
- The Appeal sets out a brief history of the Appellants property and use of the spring well including a legal case with the Applicants as regards the well. Solicitors letter attached.
- It then details a history of works to the well and subsequent quality of water abstracted. It discusses the wetland area which is the source of the stream and enters the Minane River.
- The groundwater flow as submitted in the applicants OSI Map runs into the well and as such is highly vulnerable to a risk of contamination. Unlike a bored well it is located much closer to surface level.
- It is understood that the COP requires a minimum distance of 60m downhill from the treatment system to the well. As this is a spring well 60m is not



nearly sufficient to protect their water. As it serves a farm abstraction rate of water should also be considered.

- An 'Absolute Precision Map' is submitted highlighting the distance and slope areas encompassing the inner protection zone of the Wetland area and the well. It details the-
  - Edge of the wetland area to the Percolation Area- 55.3m
  - Edge of the wetland area to Treatment Unit- 69.7m
  - Centre of well to percolation area- 60.9m
  - Centre of well to centre of treatment unit- 74.5m

There is approximately 10 metres level difference between the treatment unit and the well at ground level.

- The well cannot be moved but the applicant has sufficient lands to relocate the system to a safer site.
- In terms of condition 17 and existing roadside drainage arrangements, consent has not been permitted to enter wetlands. This has been highlighted to the Council. Arrangements in place since the 1990s have been abused.
- Road gullies at the entrance to the applicant's parents' house have been installed without planning.
- The last permission on the site from 2007 required surface waters to discharge to soakaways on site.
- Time did not facilitate the inclusion of a hydrologist report.
- A number of attachments and photographs have been submitted in support of the above.

## 7.2. Applicant Response

The Applicant's response to the grounds of appeal can be summarised as follows-

- The Appeal should be deemed vexatious as it has no new issues to prevent the Council's decision being deemed incorrect.

- The applicant and his family have no issue with the use of the spring as is the Appellant's right on his own property. The damage carried out to the Hol well was fully undertaken by the Appellant.
- All water sources were identified on the application and additional unsolicited information.
- The Code of Practise- Waste water treatment and disposal systems serving houses 2009' asks the relevant questions regarding water sources when preparing the Site Characterisation Form. It accepts that all water sources are potentially at risk.
- As the design progresses these risks are eliminated through the process.
- The proposed wastewater system design has identified and allowed for all observed water sources.
- The Council Engineers report no issues.
- The requisite separation distance is 40m for the relevant rate for this soil type in accordance with the COP.
- A pollution event some ears back was not the fault if the applicant's father's upgradient farm. Run off from lands immediately above the noted spring are within the ownership of the Appellant.
- Historic photographs of a flood event identifying the direct path are attached including effluent foam. This is the ongoing cause of contamination.
- Water tests submitted by the Appellant are unlikely to indicate any contamination or prove any point.
- The wastewater treatment proposed complies with the EPA COP.
- The distances set out in the 'Absolute Precision Map' are taken from outside the applicant's site as were the authors in the original application. It can be taken that the relevant distances can be agreed between the two observed dimensions and is still in compliance as noted for the design percolation rates.

- The location of the percolation area is selected as the preferred location in the farmstead due to the existence and location of the now derelict cottage and the level ground. No alternative location is proposed.
- All storm water is to be retained on site as per condition 17. The existing spring run off will continue to discharge as existing onto the public road.
- Existing runoff from public roads and general field contamination are owned by the Appellant and other landowners to the east. This run off is not caused by the Applicants fathers farm and for the purpose of this application has nothing to do with the proposed treatment system.

### 7.3. **Planning Authority Response**

The planning authority's response to the grounds of appeal can be summarised as follows:

- All relevant issues have been covered in the technical reports and there is no further comment to make.

### 7.4. **Observations**

- None

## 8.0 **Assessment**

### 8.1. **Introduction**

8.1.1. I have examined the application details and all other documentation on file, including the Appeal. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.

8.1.2. I consider that the substantive matters raised and to be addressed in this assessment are as follows-

- Wastewater Treatment and Disposal
- Surface Water Disposal
- Appropriate Assessment

## 8.2. Waste Water Treatment and Disposal

- 8.2.1. The Appellant's primary concern relates to the potential contamination risk from the Domestic Waste Water Treatment System (DWWTS) proposed. The Appellants abstract their residential and agricultural water supply requirements from an existing spring well to the south east of the application site. While they have no objection to the proposed house it is their view the DWWTS should be located further away than that proposed. They have submitted a topographical survey map identifying separation distances from c. 55m – 74.5m separation between the well cover and boundary of what they describe as the 'Wetland' sourcing the well.
- 8.2.2. As per page 19 of the 2021 EPA Code of Practise (COP), the general topographical lie of the land suggests both surface water and groundwaters from lands northward flow southwards towards the direction of the spring.
- 8.2.3. The Planning Authority have granted permission for the proposed house raising no wastewater concerns. Condition 18 details it must be installed in accordance with the 2021 COP.
- 8.2.4. The Applicant has submitted a Site Characterisation Report (SCR) with the application dated 22/01/2021<sup>2</sup>, in which they propose to discharge treated discharge to groundwater. They identify the site over a locally important aquifer, with a groundwater vulnerability of High and an R1 groundwater protection response. I have examined these against the GSI datasets<sup>3</sup> and can confirm they are accurate. However, it must be highlighted that the southern boundary of the application site is c.22m from an area of Extreme Vulnerability in which a groundwater response of R2<sup>1</sup> would apply.
- 8.2.5. The trial hole was opened to 2.1m on the 22/09/20 with no bedrock or water table encountered. There was no evidence of water in the trial hole after 48 hours.
- 8.2.6. The overall 't' test result was recorded as 32.06 and the assessor noted these values are within the COP limits. A 'p' test value of 52.3 was recorded and the assessor

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<sup>2</sup> Cover page states- 22/01/21, section 3 tests 22<sup>nd</sup> and 24<sup>th</sup> of September 2020 but the section 7 Site Assessor Details indicates the report date as 24/08/2018. I do not consider this discrepancy as having a material impact on the overall assessment.

<sup>3</sup> [Geological Survey Ireland Spatial Resources \(arcgis.com\)](https://arcgis.com) accessed 22/06/23

concluded the results are adequate for a soil polishing filter and not a traditional septic tank.

- 8.2.7. The Appellant's do not question the results or the methodology of the testing. They instead question the absence of their spring well from the SCF, the adequacy of the submitted 250m radius map and the appropriateness of the proposed separation distance.
- 8.2.8. Page 21 of the COP details wells are receptors at risk, and when present, such wells and springs should be noted at the visual assessment stage i.e. section 3.1 of the SCR. The Appellants concerns regarding omissions and inaccuracies submitted in the SCR are reasonable. However I do not consider these discrepancies to have a material bearing on the assessment.
- 8.2.9. I note the Applicants sought to address these omissions through Unsolicited Information which was accepted by the Planning Authority and forms part of their first condition. The Board may wish to consider the appropriateness of such unsolicited information to their determination having regard to the provisions of section 34 (3) of the Planning and Development Acts which details what a Planning Authority should have regard to when considering an application.
- 8.2.10. For the purpose of this assessment I am satisfied the 'Topographical Survey' drawings submitted by the Appellant's adequacy demonstrates the proposed situation in terms of separation distances. The information in this survey appeared evident on the ground during my inspection, they generally align with the drawings submitted with the application and also with mapping available to ABP.
- 8.2.11. Page 10 of the COP discusses 'Microbial Pathogens' and details circumstances where treated wastewater disposal can pose a threat to water supply wells or springs i.e.- when the infiltration/treatment area is in the zone of contribution (ZOC) of a water supply well or spring and there is inadequate treatment of the effluent in the soil and/or subsoil, and/or the bedrock, resulting in pathogens reaching the drinking water source.
- 8.2.12. No part of the proposed DWWTS is identified within the 'wetland' area shaded green in the Appellant's Topographical Survey and in this regard I am not convinced discharge to groundwater from the DWWTS would be within the Zone of Contribution for the spring well.

8.2.13. Table 6.2 of the COP sets out minimum distances of wells and springs DWWTS which I summarise as follows-

<b>Feature</b>	<b>Distance in metres from the periphery of tank/plant and infiltration/treatment area</b>
Public/group water supply abstraction points/wells	60 metres
Down-gradient domestic well	Depending on recorded Percolation Values (PV) from between 30-60 metres subject to depth of subsoils and proposed invert levels.
Watercourse/stream	10 metres
Road	4 metres

8.2.14. Appendix E of the COP deals with Groundwater Protection Responses which inform the minimum separation distances set out in Table 6.2 and discussed above. The site is located over a locally important aquifer, with a groundwater vulnerability of High. Table E1 details the groundwater response matrix and in this instance is R1 where wastewater treatment and disposal are “*Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).*”

8.2.15. A ‘T’ PV of 32.06 and a ‘P’ PV of 52.3 were recorded in the SCR. Section 5 of the SCR indicates the higher ‘p’ value has been used for a margin of redundancy but the polishing filter area has been calculated based on the recorded ‘t’ value i.e.  $(0.125 \times T \times PE) = 0.125 \times 32 \times 8 = 33$  sq.m. The SCR indicates a trench invert of -1.60m is proposed. The SCR does not indicate bedrock was encountered. The SCR includes two site section drawings at the end but these do not appear to adequately show the proposed polishing filter and are not considered to an acceptable scale.

8.2.16. The Applicants response to the Appeal states the ‘*requisite separation distance being 40m for the relevant percolation rate for this soil type in accordance with the Code of Practice*’. Therefore it is reasonable to infer the ‘depth of soil/subsoil between invert level and bedrock will be 1.2– 3.0 m and the separation distance required from the periphery of the DWWTS is 40m. In this regard, and referring to

the Appellants Topographical Survey, I am satisfied the proposed DWWTS complies with the minimum separation distances set out in Table 6.2 of the EPA's COP.

8.2.17. I also note Page 114 of the COP details that Table E2 provides recommended distances between receptors (such as 'Public/ group water supply abstraction points/wells') and percolation area or polishing filters, in order to protect groundwater. The COP then states-

*“Use of the depths and distances in this table does not guarantee that pollution will not be caused; rather, it will reduce the risk of significant pollution occurring.”*

8.2.18. The Planning Authority have raised no concerns over the proposal to treat and discharge wastewater. The site assessor has tested the site and designed a proposal that complies with the requirements and minimum separation distances from sensitive receptors such as wells and springs as per the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2021). The assessor has signed the SCR, indicated he is an EPA trained assessor and provided his Indemnity Insurance Number.

8.2.19. Subject to appropriate conditions, including the submission of a cross section drawing showing how the proposed DWWTS will provide invert levels and adequate depth of subsoil over bedrock in accordance with the requirements of the EPA COP 2021, I am satisfied that the proposed DWWTS would be acceptable and would not be likely to lead to significant pollution or risk to public health.

### **8.3. Surface Water Disposal**

8.3.1. The Appellant's raise concerns in relation to existing surface water drainage arrangements and impacts of the development upon same. They highlight that they have not consented to any surface waters draining through their lands.

8.3.2. Section 2.20 of the application form proposes surface water disposal through 'local soakpits' and 'existing roadside drain and stream'. The 'site layout plan-proposed layout' drawing shows the location of the proposed soakpit. Text annotated over the existing agricultural building to north of the site, on the same drawing, details an existing 'spring discharge pipe' through the site maintained and altered to collect new storm connections.

- 8.3.3. Condition 15, 16 and 17 of the Planning Authority's decision requires surface waters to be disposed of by soakways within the site boundaries, with no discharge onto the public road and for existing roadside drainage arrangements to be preserved.
- 8.3.4. Subject to similar conditions, I am satisfied that surface water drainage from the proposed house can be managed by requiring this drainage to the ground only e.g. soak pits and/or permeable paving.
- 8.3.5. Matters regarding consent to facilitate existing surface water drainage arrangements through the Appellants property are in my opinion civil matters and not ones for the Board to be concerned with in the context of this appeal.
- 8.3.6. Matters related to unauthorised road side gullies to the existing house south of the application site are likely enforcement matters for the Planning Authority and are not ones for the Board to be concerned with in the context of this appeal.

#### **8.4. Appropriate Assessment**

##### 8.4.1. Having regard to-

- the nature and scale of the development proposed in this rural area,
- the separation distances of the site to the nearest European sites i.e. the Cork Harbour SPA (004030) located approximately 3.5 km to the east as the bird flies
- the absence of any direct pathway between the appeal site and the European sites,
- the hydrological distance of indirect pathways to these European Sites via roadside drainage ditches, tributary streams etc where any likely pollutant in surface waters would be sufficiently diluted and or dispersed

no Appropriate Assessment issues are considered to arise, and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

## **9.0 Recommendation**

9.1. I recommend that permission is granted subject to the following conditions-



## 10.0 Reasons and Considerations

10.1. Having regard to the information submitted with the application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public health. The proposed development would comply with the provisions of the Cork County Development Plan 2022-28 and in particular Objective RP 5-23: Servicing Single Houses (and ancillary development) in Rural Areas, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details 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. (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, as amended to this effect.

(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. 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.

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.

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

Reason: In the interest of visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage. Surface water shall be discharged to soakways and/or sustainable urban drainage methods within the site. Details in this regard to be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of traffic safety and to prevent pollution of watercourses.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. (a) The treatment plant and polishing filter 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 "Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) by the Environmental Protection Agency in 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) A site specific cross sectional drawing of the site, the proposed treatment plant and polishing filter demonstrating adequate depth of subsoil over bedrock is achieved in accordance with the requirements of the above Code of Practice shall be submitted for the written agreement of the Planning Authority prior to commencement of works.

(c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

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

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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Adrian Ormsby  
Planning Inspector

22<sup>nd</sup> of June 2023