



An  
Bord  
Pleanála

## Inspector's Report ABP- 314780-22

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<b>Development</b>	Retain elevational changes, retain house and garage on revised site boundaries. Permission for attic conversion and carport. Install a mechanical treatment plant, tertiary filter and infiltration area
<b>Location</b>	Rossacoosane, Kenmare, Co Kerry.
<b>Planning Authority</b>	Kerry Co Council.
<b>Planning Authority Reg. Ref.</b>	22/767
<b>Applicant(s)</b>	Danny O'Sullivan
<b>Type of Application</b>	Retention and Permission.
<b>Planning Authority Decision</b>	Split: Permission/Refusal
<b>Type of Appeal</b>	First party
<b>Appellant(s)</b>	Danny O'Sullivan
<b>Observer(s)</b>	John Harrington and others Pauline & Donal Whelton
<b>Date of Site Inspection</b>	19 <sup>th</sup> September 2023.
<b>Inspector</b>	Ann Bogan

## 1.0 Site Location and Description

- 1.1. The 0.59ha site is located in a small established housing development of 8 houses on large sites, near the settlement of Temploe and approximately 6 km from Kenmare town, Co Kerry. Access is via a shared private road, which is off a local road which links to the N70. The private road passes through the centre of the site, splitting it into two parts, and provides access to two additional houses to the south-west. The site boundary directly adjoins the coastline and overlooks Kenmare Bay.
- 1.2. The existing single storey 232sq m house on the site was constructed about 15 years ago, but the interior was left unfinished and it was never occupied. There is also a detached garage on the opposite side of the access road, which is largely complete but unfinished internally. A partially complete concrete structure, apparently intended as part of a landscape feature, is located close to the dwelling.
- 1.3. The house is 7m from the nearest neighbouring house to the north-east, while houses to the south west and west are 40m and 80m distant respectively. The houses in the area are served by individual private effluent treatment systems and a bored well is shown to the north-west of the subject house.

## 2.0 Proposed Development

- 2.1. The proposed development has a number of elements for retention and permission:
  - A. Retain elevational changes made to the house, mainly consisting of change to window sizes
  - B. Convert 143sq m attic of house for habitation, with elevational changes, resulting in a 6 bedroom house with floor area of approximately 375sq m
  - C. Install a mechanical treatment plant, tertiary filter and infiltration area,
  - D. Construct a car port on the site of the incomplete landscape feature
  - E. Retain the internal stairs and first floor area of the garage, retain elevational changes to garage and permission to install new roof window in the garage
  - F. Retain house and garage within revised site boundaries

- 2.2. The application is accompanied by a site assessment report on the suitability of the site for the proposed effluent treatment system.
- 2.3. Unsolicited further information was received on 12<sup>th</sup> September 2022 consisting of revised drawings of the garage, relocating the proposed roof light in the garage from the west elevation to the east elevation, in response to issues raised in a third party submission received by the Planning Authority. A further FI letter was also received on that date addressing issues raised in a separate third party submission and confirming the applicant would have no issues with conditions requiring the dwelling to be one integral unit, the garage to be used for domestic storage and not for commercial or habitation uses and garage and dwelling house to be one unit in single ownership. The FI letter stated that the extra electricity meter had been removed already and that the external meter box would also be removed. The letter also made the case that the proposed windows in house would not overlook other properties due to distance and screening.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant permission for the elements A,C,D,F, subject to 9 conditions including:

- Condition 2 restricting the use of the garage to private domestic storage purposes only and not for commercial, habitation or agricultural purposes
- Condition 4 restricting the house to permanent all year round use and not to be used as a holiday home or second home
- Condition 5 'de-exempting' certain developments within the curtilage of the house.
- Conditions 7-9 regulating the installation and maintenance of the effluent treatment system

Refuse permission for elements B (attic conversion) and E (garage) above for the following reasons:

- The proposed conversion of the attic to habitable accommodation would result in significantly increased hydraulic loading of the proposed wastewater

system. Having regard to the failed 't' and 'p' test carried out as part of the site assessment for onsite waste treatment submitted with this application, the Planning Authority is not satisfied that this increased hydraulic loading can be adequately treated and disposed on site. The proposed development if permitted will result in ground and surface water contamination and would therefore be contrary to proper planning and sustainable development of the area.

- The development for retention contravenes materially condition No 2 to an existing permission on site for development (An Bord Pleanála reference 08/223981). The development if permitted would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer considered there were no visual impact, traffic safety or residential amenity impacts with the development and concluded that 'having regard to the reports received and the planning history of the site a split decision should be made', as outlined above. The recommendation was endorsed by the Senior Planner and the Planning Authority decision reflects this recommendation.

Due to the nature, scale and location of the project it was concluded that EIA was not required.

#### 3.2.2. Other Technical Reports

Site Assessment Unit, Environment Dept: Having reviewed the site characterisation report and the recommendation of the site assessor, would not object to grant of permission for the retention of the existing dwelling, subject to conditions, but would not grant permission to convert the attic to habitable accommodation due to a failed T and P test carried out on the site.

Area Engineer: no observations to make

Biodiversity Officer: Retention application is outside European sites, nearest is Kenmare River SAC adjacent to application boundary. Believes that further to the scale, nature and location of the elements being retained the construction or

operational phases would not have, or are not having, a significant impact on European sites. There is no realistic or viable pathway for effect to Natura 2000 sites. Neither AA, EIA screening nor EIA would have been required for the development concerned.

County Archaeologist: No recorded monuments in the area. No mitigation is required.

TII: No observations to make

### 3.3. Third party submissions/observations

7 third party submissions were made to the Planning Authority. The issues are similar to those detailed in the observations on the appeal, summarised at 6.4 below, and include the scale of the development relative to other development in the area, impact on privacy, concerns that garage would be used for habitation, as well as concerns about the location of the wastewater treatment system and proximity to neighbouring boundaries.

## 4.0 Planning History

### Subject site

08/223981 (07/1294) Permission granted for retention of garage as built, subject to conditions requiring removal of stairs and upper floor.

06/4902 Permission refused for retention and completion of garage as built as it was considered it would constitute change of use and subsequently overdevelopment of the site, injure residential amenities and would constitute excessive density by virtue of its impact on the landscape.

00/704 Permission granted for erection of single storey 5 bedroom dwelling house, garage, septic tank and puraflo system.

### Adjacent site to south-west

21/852 Permission granted for demolition of existing single storey dwelling, replacement with single storey dwelling new landscaping and upgrade of wastewater treatment plant, and retention of existing garage/shed.

## 5.0 Policy and Context

### 5.1. Development Plan

#### **Vol 1 Chapter 5 Rural Housing**

*'5.1 It is the policy of the Council to ensure that future housing in rural areas complies with all National Policy documents including the National Planning Framework (NPO 15 & 19), the Sustainable Rural Housing Guidelines for Planning Authorities, 2005 (DoEHLG), RSES and Circular PL 2/2017 and this will be achieved through greater emphasis on the following:*

- (a) Establishing that there is a genuine economic or social need for permanent occupation.*
- (b) Prioritising the reduction of residential vacancy rates in all the Rural Areas in preference to new residential development.*
- (c) The renovation or modification of existing structures in rural areas for residential use.*
- (d) Encouraging people who wish to reside in the countryside to live in existing villages or small village settlements where there are services available'.*

The subject site is designated in the Plan as a **Rural Area Under Urban Influence:**

#### **'Objective KCDP 5-15**

*In Rural Areas under Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong or life limiting) 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, including their sons and daughters or a favoured niece/nephew where a farmer has no family of their own who wish to build a first home for their permanent residence on the family farm.*
- b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent residence, 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 the marine sector 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 residence.*

*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 residence.*

*e) 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 and currently live with a lifelong or life limiting condition and can clearly demonstrate that the need to live adjacent to immediate family is both necessary and beneficial in their endeavours to live a full and confident life whilst managing such a condition and can further demonstrate that the requirement to live in such a location will facilitate a necessary process of advanced care planning by the applicants immediate family who reside in close proximity.*

*Preference shall be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house.*

## **5.6 Holiday / Second Homes**

*Development Plan policy is that holiday home should not be located in rural areas. The County experiences pressure for holiday / second homes particularly in visually sensitive landscapes. It is apparent from the Census 2016 that the level of holiday homes in some areas far exceeds the local indigenous population. The overall result of this sporadic one-off development is an incremental deterioration of the visual and in some cases, the ecological qualities of the landscape.*

*In order to underpin the basis for sustainable long-term economic development of the County, particularly in the rural areas, holiday home developments shall be concentrated in and adjacent to existing towns, villages and small village settlements thereby minimising the impact on the open landscape. Such developments should*

*respect the existing fabric of the settlement, both in scale and design. The level and scale of development permitted shall relate to the availability of infrastructure and services and the scale of the existing settlement.*

*It is the policy for the Council that one-off holiday / second homes will not be permitted in rural areas.*

**Holiday/Second Home: It is an objective of the Council to:**

**KCDP 5-23** *Ensure that holiday / second homes shall be located in established settlements in towns or villages and not in the rural landscape.*

The site is in an area designated a 'Visually Sensitive Area':

#### **11.6.3.1 Visually Sensitive Areas**

*'Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area.'*

#### **EPA Code of Practice for domestic wastewater treatment systems 2021**

Section 1.3 refers to upgrade of existing systems:

*'Existing DWWTSs may not meet the performance requirements as set out in this CoP. If existing DWWTSs are being upgraded, variances to the requirements set out within this CoP may be considered by the local authority where the authority is satisfied that the proposed upgrade will protect human health and the environment'.*

## **5.2. Natural Heritage Designations**

Kenmare Bay SAC adjoins the site

## **5.3. EIA Screening**

5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the



requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage. OR

## 6.0 The Appeal

### 6.1. Grounds of Appeal

MOL Engineers, agents for appellant, set out the following grounds of appeal:

- Refusal of permission for conversion of attic to habitable accommodation on the basis of significantly increased hydraulic load of the proposed treatment system is not justified, as based on current EPA guidelines (which count the first 2 double bedrooms as 2 people equivalent and additional bedrooms as 1 person) the hydraulic load would not increase, even though the layout has changed.
- The previous system was designed to cater for 12 people, and the current load equivalent is less, at 8 people. The proposed wastewater treatment system will also provide a higher standard of treatment compared to the previously approved system.
- The conditions confining the use of the dwelling to a primary permanent all year-round residence and that that the dwelling not be used 'as a holiday home or second home' were not applied to original permission for house (00/704). Client's home is at Kenmare House Band B. Is he required to sell one of these homes to comply with these conditions? Such conditions were not applied to other permissions nearby, for example adjacent house (21/852) where permission was granted for demolition of existing house and construction of new home.
- Client has removed stairs and first floor of garage in compliance with condition No 2 of 08/223981. On this basis, requests that retention be granted for elevational changes made to garage.

## 6.2. Planning Authority Response

- No response

## 6.3. Observations

David King, agent, on behalf of John Harrington and others

- After 15 years of applications, appeals and enforcement dwelling is still vacant and unfinished
- The estate community want to see the development completed as originally set out, as a single dwelling that preserves character of area and privacy of residents. Request An Bord Pleanála to uphold Kerry County Council decision.
- Concern has always been about overdevelopment of the site. Observers fear the house will be converted to two apartments and refer to presence of two electricity meters in the house and that the layout proposed could allow upper floor to be used as a separate apartment.
- Overlooking/loss of privacy: proposed south-east elevation will have 8 windows and will overlook the property to south, leading to loss of privacy. Also concerned re overlooking of properties to west and east.
- Landscape/Area Character: Site is a Visually Sensitive Area in the County Development Plan, which are areas particularly sensitive to development and where development will only be permitted if it integrated satisfactorily into the landscape. Large number of rooflights will catch the sun when viewed across the Kenmare River and shatter the rural landscape. This would not fit with the low-key design approved in 1983, which aimed at harmonising with the landscape.
- Light pollution: large number of windows in the roof would leak light and would cause light pollution
- Design Aesthetics: The large number of windows do not match the parent design in terms of proportion and result in urban looking, unbalanced facades

at odds with rural setting. Hard to believe this number of windows are needed simply to provide some bedrooms.

- Believe the intention is to create a second dwelling by stealth. Nevertheless, the observation adheres to legitimate planning concerns that negative impacts of overlooking, landscape impact poor design and light pollution will be considerable if upper floor element is allowed to proceed.

Pauline Donal Whelton

- Refers to planning history and appeal to An Bord Pleanála in 2008
- Applicant wants to get rooms upstairs in his house and garage. The other houses in the development are single storey
- Residents had to take an injunction to stop the applicant dividing house into a semi- detached house with 2 ESB meters in place
- Applicant has told Kerry Co Council he does not intend to live in the house as he is busy with Airbnb and B and B in Kenmare. He just wants as many rooms as possible to rent out
- The property of 4 neighbours will be overlooked by the proposed development
- The garage is not a standard garage, it has a house front door, chimney and windows. Why is roof window needed? He was supposed to have removed the garage and stairs. Kerry Co Council has refused permission for them to be retained.
- The garage must be a garage only and not a house

#### 6.4. Further Responses

None

#### 7.0 Assessment

##### 7.1. Issues

7.1.1. Having reviewed the documents submitted with the application and the appeal and submissions received, and the relevant policy documents and having visited the site I consider the issues to be assessed are as follows:

- Proposed wastewater treatment system
- Use of the house as a permanent residence
- Impact on residential amenities and visual impact
- Appropriate Assessment

## 7.2. **Proposed waste water treatment system**

7.2.1. A septic tank and Puraflo treatment plant was permitted under the permission for the dwelling granted in 2001 (00/704). I note the proposed percolation area was to be located 10 meters from the site boundary which adjoins the coastline of Kenmare Bay. The septic tank and treatment plant were not evident during the site inspection but the site is quite overgrown. A previous planning application for retention of the garage, showed the septic tank and percolation area as existing on a site layout drawing (08/223981). If constructed, the system would not have come into use as the house was never completed internally.

7.2.2. The current proposal is for a mechanical treatment plant, tertiary filter and infiltration area. The proposal generally meets the EPA Code of Practice 2021 (CoP) requirements as regards distance from site boundaries and the infiltration area is more than the required 50m from the adjoining shoreline of Kenmare Bay, which is an SAC. The site vegetation shows evidence of poor drainage with an abundance of flags and rushes. The assessment report found that the site failed both the sub-surface and surface site suitability percolation tests, however it concluded that the treatment system proposed would represent an environmental gain relative to the existing situation, subject to removal of existing topsoil and subsoil over an extensive area and its replacement with suitable material. Having reviewed the report, Kerry Council Applications Assessment Unit (SAU) was 'willing to accept the retention of the dwelling but would not grant permission to convert the attic area of the property to habitable accommodation due to a failed P and T test carried out on site'. The SAU recommended an extensive set of conditions relating to the treatment system, the monitoring of its installation and on-going maintenance. I note that a similar

system has been permitted for an adjacent house, which replaces an older house which had been served by a septic tank, on the basis of the environmental improvement achieved. The CoP allows Planning Authorities to consider variances from the COP requirements where an existing system is being replaced and an environmental gain would occur (Section 1.3 of the CoP). Given the fact that the house on this site is already in existence, I accept the validity of permitting the treatment system as proposed, subject to stringent conditions.

7.2.3. On foot of the SAU recommendation the Planning Authority decided to refuse permission for the use of the attic space for habitable accommodation. The existing permission was for five bedrooms: three doubles and two singles. The current application proposes six bedrooms, all shown as ensuite double bedrooms. Table 3.2 of the EPA Code of Practice 2021 (CoP 2021) advises on design capacity of domestic wastewater treatment plants based on number of bedrooms. The first two double bedrooms count as Population Equivalent (PE) of 4, while subsequent double bedrooms count as PE of 1, so that the proposed development amounts to a design PE of 8. The applicant argues that this is the same PE as would have applied to the existing house under the EPA guidance at the time. The proposed development represents an increase of floor area of the existing house of 65% and it could accommodate up to 12 people as opposed to 7 under the original permission and the concern of the Planning Authority that this would create an additional load is understandable. However, assuming the treatment plant is appropriately conditioned and constructed to best practice, the proposed development appears to conform with CoP 2021 and a refusal of permission for the use of the attic for habitable accommodation on the basis of increased hydrological load does not appear to me to be justifiable.

### 7.3. **Use of dwelling as primary residence**

The site is in a rural area where the Development Plan polices impose restrictions on housing both for permanent residency (as it is a rural area under urban influence) and holiday homes, due to potential visual impacts on the landscape, infrastructural issues and ecological concerns. The Planning Authority imposed a condition requiring the dwelling be a primary all year round residence and not used as a holiday home or second home. The Kerry County Development Plan now includes a specific objective to ensure that holiday / second homes shall be located in

established settlements in towns or villages and not in the rural landscape (KCDP5.23). Taking these policies into account I believe it is reasonable to impose a condition restricting the use to permanent year round residency.

I note also that if the dwelling was used intermittently as a large capacity holiday home, the treatment system could have long periods of inactivity followed by short periods of high activity (and a likelihood of occupancy of up to 12 people during those periods) which would have implications for the proper functioning of the waste water treatment system, which relies on the bacteria in the system working at an optimal level. Use as a permanent residence would result in more continuous use and most likely at a lower occupancy level, reducing the risk of the system failing to operate properly, with resultant environmental impacts.

#### **7.4. Impact on residual amenities and visual impact**

- 7.4.1. Nearby residents have expressed concerns that the proposed development would have negative impacts on their residential amenities and would also have a negative visual impact on the landscape in an area designated as a Visually Sensitive Area in the County Development Plan.
- 7.4.2. The changes to the dwelling at ground floor level from that permitted consist of minor changes to window size and location and have no significant visual or amenity impacts. The proposed changes at roof level involve the insertion of 5 rooflights in the south-west elevation and 8 rooflights in the south-east elevation serving proposed attic rooms. Gable windows to light attic bedrooms are also proposed in north-west and south west elevations.
- 7.4.3. There are no significant changes proposed that would negatively impact on the residential amenity of the nearest house which is to the north east (7m away at nearest point), although additional screen planting would be desirable along the site boundary. The houses to the south-west are approximately 40m distant at the nearest point and screened by existing planting, while the house to the west is at least 80m away. Due to distance and existing planting, I am satisfied that the proposed changes to the existing dwelling, including introduction of roof lights and gable windows, would not seriously impact on the amenities of nearby residents. A condition requiring a landscaping plan to help integrate the completed house into the landscape, provide screening and reduce visual impact is recommended.

- 7.4.4. Observers to the appeal expressed concern that the proposed dwelling is to be sub-divided into two dwellings and noted the presence of two electricity meter boxes. The applicant states the extra internal meter has been removed and the external box will also be removed. The proposed dwelling is certainly of a considerable scale and some elements of the layout are unusual. There are two entrances and two sets of concrete stairs already in place giving access to the attic, but no division is in place or shown on drawings to indicate sub-division into two units. Sub-division of the house into two units is not to be covered by this application and would require a separate planning permission.
- 7.4.5. Permission was granted previously on appeal for retention of the garage, subject to a condition that the stairs and upper floor be removed (08/223981). The current application seeks the retention of the stairs and upper floor, however during the application process the applicant stated they have now been removed. This was confirmed during the site inspection. I would recommend refusal of permission for retention of these elements and the associated proposed roof light, in any case, for clarity and consistency.
- 7.4.6. The application also proposes the retention of changes to the garage as built, namely the omission of a window in the north elevation (rear), omission of a window in the west (side) elevation and omission of a rooflight in the east elevation, which were shown in the earlier application drawings. These windows are not needed for a domestic garage use and their omission is considered acceptable. A condition restricting its use to domestic garage/storage is also recommended.

## **7.5. Appropriate Assessment Screening**

- 7.5.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

## 8.0 Recommendation

8.1. I recommend a split decision: Grant permission for elements A, B, C, D, F and part of E and refuse permission for part of E.

## 9.0 Reasons and Considerations

### Schedule 1

Grant permission for

- A. Retain elevational changes made to the house
- B. Convert attic of house for habitation, with elevational changes
- C. Install a mechanical treatment plant, tertiary filter and infiltration area,
- D. Construct a car port
- E. (part) Retain elevational changes to garage, namely omission of windows in north and west elevations and omit rooflight in east elevation.
- F. Retain house and garage within revised site boundaries

Having regard to the nature, extent and location of the proposed development and the planning history of the site and taking into account the documents submitted with the application and appeal, the grounds of appeal and observations received, and the policies and objectives of Cork County Development Plan 2022-2028, I consider that the proposed development would not seriously injure the residential amenities of the area, or negatively impact the visual amenities, landscape or environmental quality of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area, subject to the conditions in Section 10 below.

### Schedule 2

Refuse permission for:

- . E. (part) Retain the internal stairs and first floor area of the garage and permission to install new roof window in the garage for the following reason:

### Reason



The development for retention contravenes Condition No 2 attached to an existing permission on the site for development (08/223981). The development if permitted would, therefore, be contrary to the proper planning and sustainable development of the area.

## 10.0 Conditions to grant of permission

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details 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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
3.	<p>The garage shall be used for private domestic storage purposes only and not be used for any commercial, habitation or agricultural purposes.</p> <p><b>Reason:</b> In order to regulate the use of the site</p>
4.	<p>The dwelling house and garage shall be retained as one integral unit under single ownership and neither property shall be disposed of separately.</p> <p><b>Reason:</b> In order to regulate the use of the site.</p>
5.	<p>The use of the dwelling shall be as a primary, permanent, all year-round residence and shall not be used as a holiday home or second home.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
6.	<p>The site shall be landscaped in accordance with a landscape plan, details of which shall be submitted to, and agreed in writing with, the planning</p>

	<p>authority prior to commencement of development. It shall include the planting of native species to provide screening along the boundaries of the site and to integrate the completed development into the landscape.</p> <p><b>Reason:</b> In the interests of visual amenity</p>
7.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interests of the amenities of the area</p>
8.	<p>The development shall be provided with a packaged wastewater treatment unit (Euro Tank BAF2 or alternative equivalent unit as may be agreed with the Planning Authority), a packaged sand polishing filter (TER3 or alternative as may be agreed by the Planning Authority) and a gravel distribution layer to serve the dwelling in accordance with the details submitted to the planning authority on the 19<sup>th</sup> July 2022, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>The proposed effluent treatment and disposal system shall be installed, located, constructed and maintained in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021, and be in accordance with the plans and particulars submitted to the Planning Authority, in particular the Wastewater Treatment Drawings Nos 3,4, and 5 submitted to the Planning Authority on 19<sup>th</sup> July 2022.</p> <p>The packaged wastewater treatment unit and sand polishing filter shall:</p> <p>a. Comply with all separation distances listed in Table 6. 1 of the Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021</p>

	<p>b. Have at a minimum the capacity to cater for a Population Equivalent of 8</p> <p>c. Incorporate a suitable alarm system (both audible and visible) which will activate in the event of malfunction of the system</p> <p>Stormwater drains, water mains, service pipes, paved areas or land drains should not be located within or around the gravel distribution layer.</p> <p>The growth of any type of tree or plant which develops an extensive root system shall be limited to a minimum distance of 3m from the gravel distribution layer</p> <p><b>Reason:</b> In the interests of public health and to prevent pollution</p>
9.	<p>. Within 4 weeks of the completion of installation and subsequent commissioning of the proposed effluent treatment system the applicant shall submit a certificate from a suitably qualified person, the holder of professional indemnity insurance (and a copy of the said insurance).</p> <p>. The certificate shall include:</p> <p>. A statement that the system has been installed in accordance with the planning permission, in accordance with the Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021 and in accordance with the manufacturer's instructions</p> <p>. Photographs of all stages of the installation must be submitted.</p> <p>. <b>Reason:</b> In the interest of public health and to prevent pollution</p>
10.	<p>. The applicant and any subsequent owners of the property, shall undertake a maintenance or service contract for the on-going maintenance of the effluent treatment system with the manufacturer or other such suitably qualified person. Such a contract shall be entered into and paid in advance for a minimum period of 5 years from the date of installation and commissioning of the proposed system and thereafter kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed with, the Planning Authority within 4 weeks of the date of the installation.</p>

	<b>Reason:</b> In the interest of public health and to prevent pollution
11.	<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. 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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>

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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.Ann Bogan  
Planning Inspector

26<sup>th</sup> October 2023