



An
Bord
Pleanála

Inspector's Report ABP 315028-22

Development	To construct dwelling house served by a mechanical treatment plant and polishing filter, site entrance and all associated site works.
Location	Killoe, Cahersiveen. Co. Kerry.
Planning Authority	Kerry Co. Council.
Planning Authority Reg. Ref.	22/915
Applicant(s)	Laura & David O' Shea.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Denis Lyons.
Observer(s)	None.
Date of Site Inspection	December 16 th ,2023.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located in the townland of Killoe and c 4km south of Cahersiveen. Co. Kerry. It is access via the local road (L7532) network that extends eastwards off the N70 and serves dwelling houses and farm holdings in the locality. The area is rural in character and the main land use is agriculture. The pattern of development is dispersed with isolated clusters and some ribbon development along the road network.
- 1.2. The site has a stated area of 0.38Ha and is rectangular in shape. It lies on the northern side of the local road and is part of a larger agricultural field. The roadside and lateral site boundaries are formed by hedgerows and the rear boundary is undefined. A laneway along the western boundary provides access to property to the rear. The site is below road level at the front of the site and ground levels rise to the rear. There are drains running along the eastern, western and roadside boundary.

2.0 Proposed Development

- 2.1. The proposal as described in the public notices submitted with the application seeks the development of a dwelling house served by a mechanical treatment plant and polishing filter, site entrance and all associated works.
- 2.2. The house (210 sq.m) would be single storey in scale with an attached garage (57 sq.m). It would have a rendered finish with local stone to sections of the front elevation. The roof covering would consist of blue/black slates. Foul effluent from the house would be discharged to a mechanical treatment plant and polishing filter located on more elevated ground to the rear of the house. The water supply would be from a proposed well located to the front of the house and c 40m downgradient of the wastewater treatment system.
- 2.3. Unsolicited further information on the application was received by the planning authority on 17/10/22 on matters relating to applicants rural housing need and compliance with the provisions of the development plan.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to grant permission for the development subject to 13 no. conditions. Apart from standard type construction and engineering conditions, the decision includes the following conditions of note:

Condition No 3: Occupancy clause.

Condition No 4: Permanent occupancy and no use as a holiday home or second home. Use of the house shall be as a primary permanent all year round private residence.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The **Planning Officer's** report of 25/10/22 states that the applicants have submitted satisfactory documentation to indicate that they comply with the criteria as set out under Objective KCDP-5-15 Rural Areas under Urban Influence.

The proposal would not have a significant negative visual impact having regard to the siting of the house, its single storey design and existing and proposed screening. No impacts on residential amenities are envisaged due to the siting and design of the proposed house and distance from existing houses in the vicinity.

Adequate sightlines are available at the proposed entrance having regard to the low speed of traffic on this narrow local road. The report from the Site Assessment Unit report is positive and raises no objection subject to conditions.

Having regard to the existing development on the site and the distance from any SPA or SAC, it is considered that there is no likely potential for significant effects on any Natura site and AA is not required.

3.2.2. **Other Technical Reports**

The **Environment Section** (Site Assessment Unit) report of 18/10/22 raise no objection to the proposal subject to conditions.

4.0 Planning History

On site

07/1450 – An application for permission for the construction of a house and effluent treatment system on the western portion of the site was subsequently withdrawn.

On a site to the north

ABP 305985-21: Permission sought for a single dwelling with effluent treatment system and upgrade works to access road. Application subsequently withdrawn S140(1)(a).

ABP 308787-22: Kerry Co. Council issued a decision to grant permission for a dwelling house and effluent treatment system (20/823). The Board's decision to refuse permission was quashed by the High Court.

ABP 312812-22: Permission granted for a house and private garage/store served by an effluent treatment tank and polishing filter and to upgrade and alter existing access road.

5.0 Policy and Context

5.1. Development Plan

The operative development plan is the **Kerry County Development Plan 2022-2028**, which was adopted on July 4th, 2022 and came into effect on 15th August, 2022. The site lies in a rural area and is unzoned.

5.1.1. Rural Housing

Chapter 5 is dedicated to Rural Housing and identifies three different rural area types with objectives aimed at enhancing the vitality and viability of rural towns and villages to strengthen their role as rural service centres while at the same time facilitating those who have an economic or social need to reside in rural area.

The site is located in a 'Rural Area Under Urban Influence' and the relevant objective is Objective KCDP 5-15. It sets out the criteria which applicants need to satisfy when seeking to build a house in these areas. Other relevant objectives include the following:

Objective KCDP 5-19: Ensure that the provision of rural housing will not affect the landscape, natural and built heritage, economic assets, and the environment of the county.

Objective KCDP 5-20: Ensure that all permitted residential development in rural areas is for use as a permanent place of residence and subject to the inclusion of an Occupancy Clause for a period of 7 years.

Objective KCDP 5-21: Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.

Objective KCDP 5-22: Ensure that the design of housing in rural areas comply with Building a house in Rural Kerry Design Guidelines 2009, or any update of the guidelines.

5.1.2. Landscape

Section 11.6 of the plan is dedicated to Landscape. There are two landscape designations for the county which include 'Visually Sensitive Areas' and 'Rural General', with the latter considered to have a higher capacity to absorb development.

The site is located within an area designated 'Rural General' (Map 5.1) and there are no listed views or prospects in the vicinity (Map L -Landscape Designation). Under the provisions of the plan, it is stated that it is important that development in all areas be integrated into its surroundings and that development outside of designated areas, should, in their designs take account of the topography, vegetation, existing boundaries and features of the area. It is further stated that permission should not be granted for development that cannot be integrated into its surroundings.

Objective KCDP11-77: Protect the landscapes of the County as a major economic asset and an invaluable amenity that contributes to the quality of people's lives.

Objective KCDP11-78: Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

5.2. National Planning Framework

National Policy Objective 15: Seeks to support the sustainable development of rural areas and to manage the growth of areas under urban influence to avoid over-development.

Policy Objective 19: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence within the commuter catchment of cities and larger 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 small towns and rural settlements.*

5.3. Natural Heritage Designations

The closest European sites are as follows:

- Valencia Harbour/Portmagee Channel SAC (Site Code 002262) – c.3km to the west.
- Iveragh Peninsula SPA (Site code 004154) – c.4km to the northwest.

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, 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

- Appellant is originally from the local Cahersiveen area and his father is the registered owner of the appeal site (Exhibit DL1 & Exhibit DL2 attached).
- The site is located in a 'Rural Area Under Urban Influence' and the applicants have not demonstrated a social or economic need to live in this rural area in accordance with the provisions of the development plan.
- The applicants do not live in rented accommodation in the Killoe area and are not residents of the rural area in which the dwelling is proposed.
- The site is located outside lands zoned for residential development and where there is no public water supply or sewage facilities. The housing needs of the applicant could be satisfactorily met in a designated settlement such as Cahersiveen, where there are adequate services.
- The proposed development would lead to a demand for the provision of further public services and would not therefore comply with National Planning Framework Objective 19 and Objective KCDP 5-15 of the development plan.
- The Sustainable Rural Housing Guidelines (Page 24) as well as Objective KCDP 5-15 of the development plan seek to address those persons building their 'first' home in the rural community. The proposed development would not comply with national guidelines nor meet the local need criteria in the development plan as the applicants previously owned a residential property and therefore their housing need has already been met.
- The proposed development would fall within the remit of ribbon development as per the definition presented in Appendix 4 of the Sustainable Rural Housing Guidelines (Map 1 attached).
- The level of one-off rural housing along this tertiary public road which is substandard in width and alignment, is already under severe pressure and an additional dwelling in this location would lead to a demand for further public services (Map 1).

- The proposal would result in a visual impact on the landscape which is necessary to preserve in accordance with Objective KCDP 11-77 of the development plan.
- The site is not suitable for the discharge of effluent to ground. The percolation tests were carried out during exceptionally dry and hot weather conditions in July 2022 but the water table on the site fluctuates seasonally resulting in the site being waterlogged especially in winter and spring as well as during heavy periods of rain.
- There was a previous planning application made on the western half of the subject site (07/1450) and it was proposed at the time to remove the impervious layer of clay on the site and to import soil to construct a soil polishing filter. This indicates that the in-situ clay does not permit water to move through the ground.
- The site descriptions presented in the Site Characteristic Form do not reflect the true characteristics of the subject site. TAB No 1 attached clearly shows three-quarters of the site covered in rush and that drains were dug to alleviate water ponding within the site. TAB NO 2 and TAB NO 3 clearly show unfavourable vegetative indicators, most prominent on the western extent of the site. This would seem to indicate that the site has poor drainage and is prone to water logging which creates a fundamental uncertainty as to the suitability of the site for the safe disposal of effluent to ground.
- There is an unacceptable risk of contamination of the proposed well due to ponding and effluent run off with adverse effects on water quality.
- Unacceptable risk of contamination of surface water from water entering the land drain along the western boundary of the site. The drain is a tributary of the Oghermong stream which connects to Valencia Harbour/Portmagee Channel SAC (Site Code: 002262) (TAB NO 4).
- Excessive concentration of private effluent treatment systems in an area of extreme groundwater vulnerability.

6.2. Applicant Response

- Appendix 1 includes a letter from the site assessor which verifies the previous percolation test carried out on the site and it corroborates the local authority's assessment regarding the site's suitability.
- Appendix 2 verifies details of Laura O' Shea's medical condition.
- Laura O' Shea is intrinsic to the townland of Killoe and has both economic and social needs to live here as per the guidance provided in the development plan (KCDP 5-15).
- While the county council favours development in settlements, it recognises the need for a level of rural housing and the applicants fulfil the stated rural need criteria (Goal 7 and KCDP 5-9 of the development plan).
- There is no house for sale or rent in Killoe or any of the adjoining townlands and no suitable home has come on the market in the townland since the applicants have been married.
- The West Iveragh Local Area Plan 2019-2025 underscores the importance of redressing demographic decline and the ageing of the population in the Cahersiveen Rural District (to which Killoe belongs)
- The development plan commits, in line with national policy, to reduce greenhouse gas emissions, including those emanating from private cars. Enabling Mrs O' Shea to live beside her parents is important in this regard. The applicants are not long distance commuters and Killoe is closer to Mr O' Sheas place of work than Glenbeigh where the applicants lived temporarily. They do not own any other residential property.
- The applicants comply with the development plan criteria for rural housing in this area.

6.3. Planning Authority Response

No response to the grounds of appeal was submitted by the planning authority.

7.0 Assessment

7.1. Introduction

Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

I consider that the main issues that arise for determination by the Board in relation to this appeal relates to the following:

- Ownership.
- Principle of the Development/ Rural Settlement Strategy
- Site drainage.
- Impacts on the amenities of the area.
- Road safety.
- Appropriate Assessment.

7.2. Ownership

- 7.2.1. The appellant states that the land is in the ownership of his father and refers to unresolves family matters. He includes land registry details in relation to the site and then proceeds to state that his appeal is based solely on planning matters.
- 7.2.2. For the information of the Board, I would point out that the applicants have declared on the planning application form that they are the owners of the site. It is stated in the Supplementary Information form that the site is in the ownership of applicant's uncle (Danny Lyons) and I note that a letter of consent to the making of the application is submitted. No issues regarding the ownership of the site were made during the processing of the application by Kerry Co. Council.
- 7.2.3. Section 34(13) of the Act provides that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Having regard to these legislative provisions and the submissions on file, I conclude that the applicant has sufficient legal interest to make a valid application.

7.3. Principle of the Development/Rural Housing Strategy

The appellant contends that neither of the two applicants have established an exceptional economic or social need to live in this area and that the proposal is therefore in contravention of Objective KCDP 5-15 of the development plan. It is also stated that the proposed dwelling cannot be considered as a 'first home' as one of the applicant's (David O'Shea) previously owned a house in Glenbeigh, which was occupied by both applicants until it was sold in 2022.

7.3.1. The site is in a 'Rural Area Under Urban Influence', as defined in the development plan. The key challenge in these areas is to maintain a reasonable balance between development activity smaller towns and villages and housing proposals in wider rural areas.

7.3.2. Objective KCDP 5-15 of the development plan applies to these areas. In order to be considered for a house, the applicants must demonstrate that the proposal constitutes an exceptional rural generated housing need based on their social and/or economic links to a local area and in this regard satisfy one of the 5 no. categories of housing need set out in Objective KCDP 5-15.

7.3.3. The categories of housing need which I consider most relevant to the subject appeal area as follows:

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.

c) 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.

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 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 to their endeavours to live a full and confident life while 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.

- 7.3.4. The site is located within lands that are in the ownership of the uncle of one of the applicants (Laura O' Shea), who has given his consent to apply for planning permission on family land. The applicant was raised in the area there is documentation on the file indicating that she attended the local national school (Aghaturbid). The applicant has therefore spent a substantial part of her life (i.e., over seven years), living in the local area and is an intrinsic part of this rural community. The applicant is stated to have a medical condition and there is documentary evidence on file from a medical practitioner verifying that the applicant will require support from family going forward.
- 7.3.5. On the basis of the information submitted in support of the application, it would appear that the applicant meets the criteria set out in Objective KCDP 5-15 (a)(c) and (d), being the niece of a farmer who wishes to build a home on family land and a person who has intrinsic links with the local area, and who has demonstrated exceptional social links to the rural area (including a lifelong or life limiting condition) in accordance with Objective KCDP-15 of the development plan. I note that the planning authority are satisfied that the applicants satisfy local need criteria.
- 7.3.6. Regarding the argument made by the appellant on the issue of 'first' home, I am in no position to comment on the original house owned by David O'Shea in Glenbeigh, the applicants' intentions regarding its permanence as a family home, or its suitability for the family's current circumstances. I note that the provisions of Objective KCDP 5-15 are specific and refer to a 'first home for permanent residence'. There is no evidence produced to suggest that the applicants already own a home in this rural area. Should the Board be minded to grant permission for the development, future occupancy would be controlled by a condition similar to that imposed by the planning authority.
- 7.3.7. While national policy and the development plan seek to encourage people who wish to reside in the countryside to live in villages and settlements where services are available, there is express provision for those who have an established rural generated housing need to be accommodated in surrounding rural areas. I accept that there is sufficient evidence on the file to demonstrate that the applicant is an intrinsic part of the rural community and has a rural generated housing need as defined in Objective KCDP 5-15.

7.3.8. I would accept that the principle of the development is therefore acceptable in this area subject to good planning practice which is discussed in more detail below.

7.4. Site Drainage

7.4.1. Foul effluent from the proposed house would be treated in a tertiary treatment system with a sand polishing filter which would be located on more elevated ground to the rear of the house. Effluent would be pumped from the treatment system to the polishing filter prior to discharge to ground.

7.4.2. The site overlies a Poor (PI) aquifer with an 'Extreme' vulnerability rating, giving a ground water protection response of 2¹. Two trial holes were excavated on the site, one uphill and one downhill of the proposed infiltration unit. The bedrock was encountered in both at a depth of 2.6m. The water table varied from 1.2m (uphill) to 1.75m (downhill). The P and T tests carried out in the vicinity of the proposed infiltration unit revealed soil with good percolating properties.

7.4.3. The appellant is concerned that the site assessment was undertaken during dry conditions and may not be reflective of ground conditions at other times of the year. The site is stated to be waterlogged during winter and spring. It is also stated that works were carried out on the site to reduce the water table prior to the assessment. It is contended that the direction of ground water flow poses a risk to water quality in the proposed well, which would be located to the front of the site.

7.4.4. From my observations during the site visit, I noted that the south western corner of the site contains vegetation which is indicative of poor drainage. There is a marked difference in vegetation in the location of the proposed treatment system where grassland occurs. I am not in a position to verify if any works were undertaken to improve drainage conditions on the site.

7.4.5. I do note that a review of the site suitability assessment (Ger O'Keefe Consulting Engineer's) was completed in response to the grounds of the appeal. It notes that the trial holes did not display any signs of mottling, which is indicative of a seasonal high water table. It concludes that the site is suitable for the treatment and disposal of foul effluent and recommends that a land drain be installed along the northern site to divert surface water away from the effluent treatment system to the existing drain along the western boundary of the site. I note that the Site Assessment Unit of Kerry

Co. Council also accept the conclusions reached in the assessment and have raised no objection to the development subject to conditions.

- 7.4.6. It is clarified in the response to the appeal that the importation of soil is required to provide a level platform for the polishing filter and not to improve the permeability of the soil. The previous application referred to by the appellant (07/1450) where site improvement works would be required to accommodate a soil polishing filter related to the western section of the site, which is likely to be waterlogged during the winter.
- 7.4.7. The Site Suitability Assessment has been carried out in accordance with the EPA's Code of Practice: Domestic Waste Water Treatment Systems (2021). A groundwater response of 2¹ suggests that the site is suitable for an onsite treatment system and the percolation tests results indicate that the soil has good percolating properties.
- 7.4.8. The proposed effluent treatment system is designed in accordance with the EPA Code of Practice and satisfies the distance requirements set out in Table 6, including those for a downgradient well. On the basis that the suitability of the site for the proposed treatment system has been established and the minimum separation to boundaries, roads, dwelling, surface water features and well can be complied with, I consider that foul effluent from the house can be effectively treated and discharged to ground without posing a threat to surface water or ground water quality.

7.5. Impacts on the amenities of the area

- 7.5.1. The site is located outside the most visually sensitive landscapes in the county and in an area considered to have the capacity to absorb development. Notwithstanding this, there is a requirement that development that development be integrated into its surroundings. The need to integrate development is also emphasised in the 'Building a House in Rural Kerry-Guidelines'.
- 7.5.2. The house is single storey in scale and the finished floor level would be marginally above ground level at the house location. The external finished would comprise a rendered finish with locally sourced stone to sections of the front elevation. The roof covering would consist of blue/black roof slates. In terms of design, scale and finish the proposed house would not be out of character with the existing dwellings in the area and coupled with appropriate boundary planting is capable of being effectively assimilated into the local landscape.

- 7.5.3. The appellant raises issues regarding the impact of ribbon development on the visual amenities of the area. Ribbon development is described in the 'Sustainable Rural Housing - Guidelines for Planning Authorities' (April 2005) as being '*where 5 or more houses exist on any side of a given 250 metres of road frontage*'.
- 7.5.4. I refer the Board to Map No 1 of the appeal which shows existing houses along the northern side of the local road adjacent to the site. There is one house to the west with frontage onto the local road. The houses to the north form a cluster and do not form a row along the local road. There are 3 no. houses to the east.
- 7.5.5. The guidelines do not totally preclude development where ribbon development already exists. Under the Guidelines whether proposals could be considered depends on the following:
- the type of rural area and circumstances of the applicant,
 - the degree to which the proposal might be considered infill development and the degree to which existing ribbon development would be extended, or
 - whether distinct areas of ribbon development would coalesce as a result of the development.
- 7.5.6. I would point out to the Board that the pattern of development in the area does not typify the high density of almost continuous road frontage that occurs at the edge of towns. While there is reasonable presence of one-off houses in the locality, it tends to be dispersed, with little evidence of significant ribbon development as described in the Guidelines.
- 7.5.7. I consider that the proposal could be considered as infill development which would not extend an existing ribbon and acceptable having regard to the type of rural area and the documented circumstances of the applicants.

7.6. Road Safety

- 7.6.1. The site is served by a network of local roads that extend in an easterly direction off the N70. The appellant states that the road network is substandard and is already under severe pressure due to the concentration of rural housing in the area.
- 7.6.2. I accept that the road network in the vicinity is narrow and suffers from poor horizontal and vertical alignment. However, during my site visit I noted that the roads in the vicinity of the site and extending westwards towards the N70 were very lightly

trafficked with no evidence of the severe pressure mentioned by the appellant. I further note that similar issues were raised in respect of an appeal for an adjacent development to the north, which were not upheld by the Board (ABP 312812-22).

- 7.6.3. It is proposed to locate the site entrance in the southwestern corner of the site frontage. Visibility to the west is aided by the set back of the adjacent property and will not be impeded to the east by retention of the existing roadside boundary as required by Condition No 6 of the planning authority's decision.

7.7. Appropriate Assessment

It is proposed to treat foul effluent arising from the proposed using a treatment plant and polishing filter. The appellant has raised issues regarding the potential for effluent to enter surface water drains that discharge into the Oghermong Stream to the south and ultimately into Valencia Harbour/Portmagee Channell SAC (Site code: 002262) to the west.

A comprehensive site suitability assessment has been carried out and it has been determined that the site is suitable for the treatment and discharge of effluent to ground. There are no proposals to discharge effluent to surface water.

Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom and the distance from any European site it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. On the basis of the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the location of the site within an area designated as a Rural Area Under Urban Influence in the Kerry County Development Plan 2022-2028 and to the rural generated housing need of the applicants for a house at this location, it is considered that subject to compliance with the conditions set out below, the

proposed development would not seriously injure the visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. detract from the

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of October 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 development, when completed, shall first be 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.</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 applicants stated housing need 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>(a) All external finishes shall be neutral in colour tone and texture to details to be submitted and agreed in writing with the planning authority prior to commencement of development.</p> <p>(b) The colour of the ridge tiles shall match the colour of the roof.</p> <p>(c) White uPVC shall not be used for windows, external doors and rainwater goods.</p> <p>(d) Stonework to external wall shall be constructed of natural stone which shall be sourced locally.</p> <p>(e) The finished floor level shall be as shown on the submitted drawings.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The existing roadside boundary shall be retained except for where removal is necessary to construct the proposed vehicular entrance to the site. The vehicular entrance shall be located as shown on the site layout plan submitted to the planning authority and constructed to details to be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of traffic safety and visual amenity.</p>
5.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties and shall be collected and diverted to discharge to existing watercourses or to drains or soakpits.</p> <p>Reason: In the interest of public health.</p>

6.	<p>The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: To ensure that adequate water is provided to serve the proposed development, in the interests of public health.</p>
7.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on 31st August 2022, and in accordance with the requirements of the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single House (p.e<10) Environmental Protection Agency 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been installed properly shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) 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 dwelling house 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 installation.</p> <p>(d) Surface water soakaways shall be located such that drainage from the dwelling and paved areas shall be diverted away from the location of the polishing filter. A land drain shall be constructed along the northern boundary of the site discharging to the drain along the western site boundary to prevent the ingress of surface water into the polishing filter.</p> <p>(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</p>

	<p>treatment system has been installed and commissioned in accordance with the approved details and working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interests of public health.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables shall be located underground throughout the site.</p> <p>Reason: In the interests of visual amenity.</p>
9.	<p>All external lighting shall be adequately cowled so as not to cause overspill onto public road or adjacent property.</p> <p>Reason: To control light pollution in the rural environment.</p>
10.	<p>The site shall be landscaped using indigenous plants and hedging species, in accordance with details to be submitted to and agreed in writing with the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity,</p>
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</p>

<p>indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board 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 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>
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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.

Breda Gannon
Planning Inspector

31st January, 2024