



An
Bord
Pleanála

Inspector's Report ABP316146-23

Development	Construction of a house and all associated works.
Location	Loughan, Moynalty, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	2313
Applicant(s)	Marion Farrelly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party vs. Refusal
Appellant(s)	Marion Farrelly
Observer(s)	None.
Date of Site Inspection	18 th July 2023
Inspector	Leah Kenny

1.0 Site Location and Description

The subject site is located in Loughan, Moynalty, Co. Meath, approximately 8km north-east of Kells near the Meath-Cavan border.

The site comprises part of a large rectangular agricultural field located south-east of the junction between the L68242 (forming the north-eastern boundary of the field) and the L68243 (forming the south-western boundary of the field). There are no formal boundaries to the north or east of the site. In terms of topography the site is lower than the road and relatively flat.

The 0.516ha site is located in the southern corner of the site fronting onto the L68243.

The wider area is characterised by farmland and forestry. The nearest properties are located to the south-west and south-east.

2.0 Proposed Development

The proposed development consists of a single-storey dwelling house (with a stated GFA of 175 sq. m), and a maximum ridge height of 5.182m, domestic garage (with a stated GFA of 30.66), secondary wastewater treatment system and percolation area, and all associated site works.

Water supply will be via a new private well connection; and surface water will be addressed via a soak pit.

3.0 Planning Authority Decision

By order dated 2nd March 2023, Meath County Council refused planning for the proposed development for the following reason:

The proposed development is located within a 'Low Development Pressure Area' where it is a requirement for applicants to (i) comply with the Local Needs Qualifying Criteria as outlined in Section 9.4 of the Meath County Development Plan 2021-2027 and to (ii) demonstrate a rural housing need. It is considered that the applicant has failed to provide robust evidence in support of this and hence the Planning Authority is not satisfied that a rural housing need in accordance with the above provisions

of the plan has been established. The proposed development would be contrary to the policy of the Sustainable Rural Housing Guidelines for Planning Authorities and the Meath County Development Plan 2021-2027 and would, therefore, be contrary to the proper planning and sustainable development of the area and would establish a very undesirable precedent.

4.0 Planning Authority Reports

4.1.1. Planning Report

The planning report is the basis of the planning authority's decision to refuse permission. The key consideration of the Case Planner focused on the zoning of the site (RA – Rural Area), non-compliance with the Rural Settlement Strategy, and in particular the local housing need requirements as set out in Section 9.4 of the Meath County Development Plan.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. The application was also screened for Environmental Impact Assessment (EIA), and it was concluded that none was required.

4.1.2. Other Technical Reports / Prescribed Bodies

Transportation Department – no objection subject to conditions.

Environment Section – no response.

4.1.3. Observations

One submission was received which identified concerns relating to the capacity of the road (vis-à-vis visibility and speed); site drainage issues; environmental issues and compliance with the local housing need requirements.

5.0 Planning History

The subject site has been the subject of two previous planning applications:

- **22657** – Permission was refused for a two-storey dwelling house with a secondary wastewater treatment system and percolation area and all associated site works. The three reasons for the refusal related to rural housing need, design, and sightlines.
- **212192** - Permission was refused for a two-storey dwelling house with a secondary wastewater treatment system and percolation area and all associated site works. The three reasons for the refusal also related to rural housing need, design and sightlines.

6.0 Policy and Context

6.1.1. National and Regional Plans

Objective 19 of the National Planning Framework – Project Ireland 2040 makes the following distinction between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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

The EMRA RSES also recognises that in some rural areas a more flexible approach based primarily on siting and design will apply:

- Objective RPO 4.81: In rural areas outside the Rural Areas Under Strong Urban Influence local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation, facilitate the provision of single houses in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Both National and Regional Policy advise that the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

6.1.2. **Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

The Sustainable Rural Housing Guidelines require planning authorities to differentiate between rural housing demand arising from rural housing need and housing demand arising from proximity to cities and towns. Additionally, development plans should distinguish rural areas under strong urban influence, stronger rural areas, structurally weak rural areas, and areas with clustered settlement patterns. Development management policy should be tailored to manage housing demand appropriately within these areas.

Section 3.2.3 concerns 'Rural Generated Housing' and gives an example of persons who are an intrinsic part of the rural community. It acknowledges that such persons will have normally spent substantial periods of their lives, living in rural areas as members of the established rural community. It cites the following examples:

- Farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located, and maintained in a way, which protects water quality.

- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

6.1.3. **Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.**

The purpose of the Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021 provides guidance on domestic waste water treatment systems for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate domestic wastewater treatment system.

6.1.4. **Meath County Development Plan**

The site is within a rural area governed by the policies and objectives of the Meath County Development Plan 2021-2027.

Chapter 9 ‘Rural Development Strategy’ sets out the settlement policy in respect of rural areas in the County, including rural nodes. It includes the following strategic objectives:

- RUR DEV SO 1: To support the continued vitality and viability of rural areas, environmentally, socially and commercially by promoting sustainable social and economic development.
- RUR DEV SO 6: To protect and enhance the visual qualities of rural areas through sensitive design.

The Development Plan seeks to accommodate rural generated housing needs where they arise, subject to local housing need criteria and development management standards, whereas urban generated rural housing needs should be accommodated within built-up areas or land identified, through the development plan process.

Relevant strategic policies relating to Meath’s Rural Settlement Strategy include:

- RUR DEV SP 1: To adopt a tailored approach to rural housing within County Meath as a whole, distinguishing between rural generated housing and urban generated housing in rural areas recognising the characteristics of the individual rural area types.
- RUR DEV SP 2: To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.

The Development Plan identifies three rural area types in the county as follows: Area 1 - Rural Areas under Strong Urban Influence; Area 2 - Strong Rural Areas; and Area 3 - Low Development Pressure Areas.

The subject site is in Area 3 - Low Development Pressure Area. In this area it is the policy of the Council to:

- RD POL 6: To accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.

Section 9.4 of the Development Plan outlines the basis on which the planning authority will support proposals for individual dwellings on suitable sites in rural areas. In respect of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas it includes:

- Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside.
- Persons who were originally from rural areas and who are in substandard or unacceptable housing scenario's and who have continuing close family ties with rural communities such as being a mother, father, brother, sister, son,

daughter, son in law, or daughter in law of a long established member of the rural community being a person resident rurally for at least ten years.

- Returning emigrants who have lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for older members of their family or to retire.
- Persons, whose employment is rurally based, such as teachers in rural primary schools or whose work predominantly takes place within the rural area in which they are seeking to build their first home, or is suited to rural locations such as farm hands or trades-people and who have a housing need.

Section 9.5.1 sets out other relevant matters for consideration when assessing individual proposals for one-off rural housing, including:

- The housing need background of the applicant(s) in terms of employment, strong social links to rural areas and immediate family as defined in Section 9.4 Persons who are an Intrinsic Part of the Rural Community.
- Local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped.
- The suitability of the site in terms of access, wastewater disposal and house location relative to other policies and objectives of this plan.

Policy RD POL 7 relates to Meath County Council's commitment to attaching occupancy conditions to all individual one-off rural dwellings.

Section 9.6 sets out the rural residential development, design and siting considerations. Policy RD POL 9 requires all applications for rural houses to comply with the 'Meath Rural House Design Guide'.

6.1.5. Heritage Designations

The site is within 15km of the:

- River Boyne and River Blackwater SPA (Site Code: IE0004232)
- River Boyne and River Blackwater SPA (Site Code: IE0002299)

- Girley (Drewstown) Bog SAC (Site Code: IE0002203)
- Killyconny Bog (Cloghbally) SAC (Site Code: IE0000006)

6.1.6. **EIA Screening**

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and whilst it is listed under Part 2, it is a significant sub-threshold development for the purposes of Schedule 7 PDR 2001 (i.e. 500 houses), will not on its own or cumulatively with other projects result in significant effects on the environment and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

7.0 **The Appeal**

7.1.1. **Grounds of Appeal**

The main grounds of the First Party Appeal can be summarised as followed:

- The applicant lived in and currently resides in the family home at Walterstown, Moynalty, Co. Meath and has been a member of that rural community for more than 25 years and as such complies with Section 9.4.
- The applicant lives at home and does not own a dwelling and is currently seeking to erect a dwelling on her own land and therefore complies with the criteria of Section 9.4 of the development plan.
- The applicant's father is a substantial local landowner and farmer. He has bequeathed lands to the applicant at Scurlogstown, Kells Co. Meath in his will; however, road frontage at this location is directly onto the N52 and planning for dwellings on national routes are not generally granted by local authorities. The applicant therefore made an application to build a dwelling on her lands at Loughan. It was further noted that the applicant will not inherit family lands at Walterstown (where she currently resides in the family home).
- The applicant both works on the family farm, and is insured to operate machinery on that farm for some considerable time, and farms herself on a

small scale and proposes over time to increase the size of her holding in line with her financial circumstances.

- The applicant is fully qualified as a physiotherapist and works in Kells Physiotherapy and is also the Physio for the Meath Ladies Senior Football Team and would intend to practice from her home in the evening and at weekends.

7.1.2. **Planning Authority Response**

The Planning Authority stated that the appeal was considered and it is satisfied that all matters outlined in the submission were considered in the course of its assessment of the planning application as detailed in the Planning Officer's Report. The proposed development, as presented, was not considered to be consistent with the policies and objectives as outlined within the Meath County Development Plan 2021-2027.

7.1.3. **Observations**

There were no observations.

8.0 **Assessment**

Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the applicant's First Party Appeal, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle – Compliance with Rural Housing Policy
- Design, Layout and Siting
- Access and Traffic
- Water, Wastewater, Surface Water and Flood Risk

Each of these issues is addressed in turn below.

8.1 Principle – Compliance with Rural Housing Policy

- 8.1.1 The proposed development is located on a site zoned 'RA – Rural Area' with the objective *"to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage and under which residential development is permissible subject to compliance with the Rural Settlement Strategy."*
- 8.1.2 It was the planning authority's determination that the applicant did not meet the local housing need requirements as set out in Section 9.4 of the Meath County Development Plan and therefore the proposed development failed to comply with the County's Rural Settlement Strategy. The Case Planner was not satisfied that the applicant has a location specific rural housing need *"as they currently own property in the locality"*.
- 8.1.3 I have reviewed all the information / documentation submitted in support of the application and am satisfied that the applicant does not own property in the locality. Some confusion may have arisen as the applicant referred to the subject lands, in responding to a question on the local needs form, relating to whether she owned "property" or not. While she owns the subject site, she does not own other property; and importantly in the context of interpreting the local housing need requirements of Section 9.4 of the Development Land, she does *"not possess a dwelling"* or has *"not possessed a dwelling in the past"* in which she has resided.
- 8.1.4 Some further confusion may have arisen with reference to land which is to be bequeathed to the applicant, in the event of her father's death; however, she does not currently own this land. Furthermore, according to information submitted with the application these lands may not be suitable for development as they front directly onto the N52 and this is the rationale for her purchase of the lands at Loughlan which remain near to the family home in Waterstown.
- 8.1.5 From a policy perspective, both national and regional policy and guidelines differentiate between Rural Areas Under Strong Urban Influence and rural areas outside the Rural Areas Under Strong Urban Influence. A more flexible approach to facilitate the provision of single houses in the countryside based on siting and design applies in the latter areas. In this regard, the subject site is located in a 'Low

Development Pressure Area' as defined in Section 9.3 of the CDP, where the challenge is *"to arrest population and economic decline"* and policy in relation to this is *"...to accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas"*.

- 8.1.6 The Sustainable Rural Housing Guidelines outline that Planning Authorities in formulating policies should recognise the importance to rural people of family ties and ties to a local area such as parish, townland or the catchment of local schools and sporting clubs. It also delivers positive benefits for rural areas and sustains rural communities by allowing people to build in their local areas on suitable sites.
- 8.1.7 The Guidelines also specifically acknowledge a rural generated housing demand for persons who are an intrinsic part of the rural community; further acknowledging that such persons will have normally spent substantial periods of their lives, living in rural areas as members of the established rural community. The Guidelines specifically refer to "sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence" (my emphasis).
- 8.1.8 It is a strategic policy of the Meath County Development Plan, RUR DEV SP2 to ensure that individual house development in rural areas satisfy the requirements of persons who are an intrinsic part of the rural community in which they are proposed.
- 8.1.9 In Section 9.4 of the recognises the interests of persons local to or linked to rural areas who are not engaged in significant agriculture or rural resource related occupation to live in rural areas. The criterion relating to *"persons local to an area include persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and do not possess a dwelling or who have not possessed a dwelling in the past"* is, I consider, of relevance to this application.
- 8.1.10 From the evidence submitted with the application, the applicant has lived in the family home in the Waterstown area of Moyalty, since she was born in 1998, apart from when she was studying away from home. The family home in Waterstown is 3.5km from the subject site at Loughlan; she also has cousins living in the Loughlan area. She has ties to local sporting clubs and is a member of the GAA Club in

Newrath. While she works in a Physiotherapy Practice in nearby town (Kells), she is part of a local farming family, has clearly played a role in the family farming business in the past, and has stated aspirations of her own in terms of future farming activities.

- 8.1.11 Having regard, to the above, I consider the applicant to have close family ties in the locality, has grown up in the area, is an active member of the local community and is seeking to build her first home near her family place of residence. I consider it is cases such as the applicants, which Planning Authorities should provide for, in terms sustaining rural communities by allowing people to build in their local areas on suitable sites. I would also conclude noting that the subject site is located in a 'Low Development Pressure Area' as defined in Section 9.3 of the CDP, where the challenge is *"to arrest population and economic decline"*.
- 8.1.12 It is my view therefore, that the applicant fulfils the requirements of the Sustainable Rural Housing Guidelines, and Section 9 Rural Development Strategy of the Meath County Development Plan 2021-2027 for Local Needs.

8.2 Design, Layout and Siting

- 8.2.1 The proposed dwelling is set back approximately 37m from the road edge and is sited towards the northern eastern corner of the site. The proposed vehicular access is also towards the north of the site and is to cross a stream fronting the site via a new 12m culvert. A free-standing garage is located immediately adjacent to proposed new dwelling to the north.
- 8.2.2 The proposed single storey dwelling and has an irregular floor plan, and presents a varied elevation to the road, including gable and feature window stepping forward of the building line. The stated floor area is 175sqm.
- 8.2.3 New boundary planting (comprising mixed native species) is proposed around the site.
- 8.2.4 Concurring with the opinion of the Case Planner, I consider that the proposed development will not adversely impact on visual and residential amenities of the area by virtue of its siting, layout or design.

8.3 Access and Traffic

- 8.3.1 The proposed entrance is accessed along a straight section of the local road (L68243) which I would characterise as having low traffic volumes. Sightlines in excess of 90m in both directions are indicated in the application documentation.
- 8.3.2 I note the Transportation Section of Meath County Council considered these sightlines to be acceptable at this location and outlined no objection to the proposed development subject to standard conditions relating to sightlines. However, I also note that they recommend the removal of the entire roadside boundary contained inside the red line boundary and setting it back at least 3m from the edge of the road.
- 8.3.3 In the application, the applicants have retained the existing hedge fronting the site, proposing a new front fence / hedge for the house, set back on the field (east) side of the stream in order to ensure unobstructed sightlines on egress. I note the advice of the applicants engineers the existing hedging acts as a visual barrier between the road and drain, and therefore it should *“not be necessary to remove or set back the fence along the frontage but the hedge would need to be maintained at its current height”*. Having visited the site, the stream/ditch/drain running along the eastern boundary of the subject site beside the road, while not visible, is evident by the level difference between the two, and I consider the existing hedgerow does act as a visual barrier between two. I consider it appropriate that this consideration be factored into the final design of the access arrangement for the proposed development.
- 8.3.4 Having regard to the above, I consider that proposed development to be acceptable from an access and traffic point of view subject to conditions relating to sightlines.

8.4 Water, Wastewater, Surface Water and Flood Risk

- 8.4.1 Water supply is proposed by private well. Surface water will be directed to onsite soakaways and the site is located in Flood Zone C, at low risk of flooding.
- 8.4.2 Wastewater will discharge to ground via a proprietary Wastewater Treatment System (WwTS). The application was accompanied by a Site Characterisation Report (SCR) prepared by a certified and indemnified site assessor, in accordance

with the EPA Code of Practice Wastewater Treatment and Disposal Systems serving Single Houses 2021, and following visual assessment, trial hole and percolation tests.

- 8.4.3 The Site Characterisation Report notes that groundwater was encountered at 1.3m in the 2.1m deep trial hole. Bedrock was not encountered. The soil was silt/clay in the upper 300mm, and clay intermixed with stone below 300mm. The Report indicates a Groundwater Protection Response (GPR) of R1 which is identified in the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021 (2021 EPA CoP), as 'Acceptable subject to normal good practice (i.e., system selection, construction, operation and maintenance in accordance with this CoP)'. The T-test (sub-surface) result was 70.83 (min/25mm). A P-test (surface) was also carried out giving a result of 55.08 (min/25mm).
- 8.4.4 Although the Environment Section of Meath County Council did not provide a report in respect of the proposed development, I note that the planner refers to the findings of the SCR recommending the installation of a packaged WwTS including tertiary treatment system and advises this should be conditioned in accordance with the 2021 EPA CoP, in the event of a grant of permission.
- 8.4.5 Overall, I am satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable and a condition requiring the design and installation of the proposed WwTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021), can be applied.

8.5 Appropriate Assessment

- 8.5.1 Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment and the distance from any European site/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.

9 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

10 Reasons and Considerations

Having regard to (a) the location of the site in a Low Development Pressure Area as identified in the Meath County Development Plan 2021-2027 where it is the policy to accommodate demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas, (b) the documentation submitted with the planning application and the appeal demonstrating rural housing need and links to the area, (c) and subject to the conditions below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

11 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th day of January 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p>

	<p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
4.	<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 development.</p> <p>Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.</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.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p>
6.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning</p>

	<p>authority on the 11th day of January, 2023, 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. 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 properly installed 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 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.</p> <p>(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of 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 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.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The design of the access and achievement of sightlines shall be subject to agreement with the planning authority. The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance and sightlines to the site.</p> <p>Reason: In the interest of traffic safety and visual amenity.</p>

8.	<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>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.



Leah Kenny
Planning Inspector
4th August 2023