



An
Bord
Pleanála

Inspector's Report ABP317553-23

Development	Construction of a house, garage, widening of existing entrance, bored well wastewater treatment system and associated works.
Location	Rutland, Palatine, County Carlow.
Planning Authority	Carlow County Council.
Planning Authority Reg. Ref.	2315.
Applicants	Eric Bates & Michaela Dunne.
Type of Application	Planning permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Steward Hancock.
Observer(s)	None.
Date of Site Inspection	31st October 2023.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located in a rural area in the townland of Rutland approximately 4 kilometres east of Carlow town and 2 kilometres south of the village of Palatine.
- 1.2. The site which is rectangular in configuration has a stated area of 0.428 hectares. The site fronts onto a public road which defines the site's western boundary and which is largely defined by a hedgerow. The site is relatively level. There is evidence of a previous dwelling and septic tank on the site and an access from the road onto the site. Immediately to the north is the site of a single storey dwelling and immediately to the north of this dwelling is roadway leading to a church and graveyard and to the north of this roadway another roadway leading to a farmyard and associated farm building.
- 1.3. To the north of farm complex is Rutland House a protected structure CW545 NIAH No. 10300716. The church and an associated mausoleum are also Protected Structures CW544 and CW546 and the church is listed in the NIAH Inventory 107007167. The church is also a registered archaeological national monument as is the mausoleum.
- 1.4. There is also another dwelling north of the laneway leading to the church and farmyard and it is in front (west) of Rutland House. The area has a high level of housing fronting the public road network including on the opposite side of the public road fronting the appeal site and on another public road south east of the site.

2.0 Proposed Development

The proposed development is for the construction of a house which is single storied of modern design and construction with a maximum height to ridge roof of 5230mm set back approximately 31 metres from the road and located generally central on the site. The dwelling has a stated floor area of 278.55m².

A detached garage is proposed located towards the southeastern corner of the site which has a pitched roof and a maximum height of 5535mm with a floor area of 50.76m².

The proposal also provides for the widening of an existing entrance located centrally on the roadside frontage. A bored well was initially proposed located north of the

proposed dwelling. Foul effluent is to be treated by a wastewater treatment system and the proposal also provides for the decommissioning of existing septic tank. A Site Character Assessment report was submitted which recommended a septic tank and percolation area based on the assessment.

Documentation in relation to qualifying criteria in relation to rural housing policy was also submitted.

Further information was submitted on the 24th May 2023 in relation to local connection to the area, alterations to the design in particular the window proportions, a revised site plan indicating existing well, septic tank and percolation trenches. It was also indicated that it is proposed to connect to a public watermain and no well will be drilled on the site and a landscaping scheme was also submitted.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to fourteen conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 10th March 2023 refers to the submissions received, the nature of development in the area, the planning history of the site and area, provisions of the current County Development Plan, an assessment of issues including rural housing policy, the house design submitted and the visual impact of the proposal in the context of the protected structures concluding that proposal will not impinge. Further information was requested in relation to a number of matters including the design of proposed dwelling, local housing need, the issue of wastewater treatment and separation of percolation area, landscaping and clarification of water supply.

The Planning Report dated the 12th June 2023 refers to the further information, considers that local need is established in relation to the first named applicant and recommends planning permission.

3.2.2. Other Reports

Water Services Report dated the 20th February 2023 notes that the application provides for a well as the means of water supply but it may be feasible to connect to a water main but otherwise no objections.

Environment Report dated 27th February 2023 recommends further information in relation to the location of the existing septic tank and a site layout plan indicating adequate separation distances from the dwelling and percolation area.

Roads report dated 10th March 2023 indicated no objections subject to conditions.

Environment Report dated 26th May 2023 recommends conditions in a grant of planning permission.

Water Services Report dated the 8th June 2023 notes no pre-connection agreement and the applicant submit such an agreement prior to the commencement of site development works.

3.2.3. Uisce Éireann in an observation indicate no objections and restate comments made in the Water Services Report.

Uisce Éireann in an observation received 10th June 2023 indicate no objections and restate the comments made in the Water Services Report in relation to a connection agreement prior to commencement of constructions works.

4.0 Planning History

P.A. Ref. No. PL. 02/635

Permission granted for a timber frame dwelling house with a septic tank on the appeal site.

ABP Ref. No 302103-18 / P.A. Ref. No. 18/158

Permission refused by the Board upholding a decision of the planning authority for a dwelling northwest of Rutland House and fronting onto the same public road.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The relevant plan is the Carlow County Development Plan 2022-2028.
- 5.1.2. Chapter 3 refer to Housing and section 3.16 to Single Housing in the Countryside. The overall policy in relation to rural housing follows national guidance identifying rural area under different categories and the site is within an area defined as a Zone 1 Rural Areas under Urban Influence as indicated on Map 3.2: Rural Housing Policy Zones. Section 3.16.2 refers to Rural Generated Housing Need and to facilitate rural generated housing needs and the management and delivery of single rural housing over the period of this Plan, and in accordance with the NPF (NPO 19) and RSES (RPO 27), the two Rural Housing Policy Zones have been allocated a specific set of qualifying criteria. In order for an applicant to be considered eligible for a single house in the countryside of County Carlow, they must be able to demonstrate that they comply with all the criteria listed for one of the Rural Housing Policy Zones.
- 5.1.3. Table 3.5: outlines categories and criteria in relation to Rural Housing Policy Zone 1 and category 2 it is indicated that the applicant shall demonstrate with relevant documentary proof that they have a functional social requirement to live in this rural area, and wish to build a home for their own use. This includes persons who can demonstrate that they are living or have lived full-time in the local rural area for a minimum of 5 consecutive years at any stage prior to the making of the planning application, including returning migrants seeking a permanent home in their local rural area. For the purposes of this policy, 'local rural area' is defined as a site within an 8km radius of where the applicant is living or has lived. Policy RHP1 restates the provisions as outlined in table 3.5.
- 5.1.4. Chapter 10 refers to Natural and Built Heritage and in relation to Natural Heritage it is indicated as a general policy in NH P1 to protect, manage and enhance the natural heritage, biodiversity, landscape and environment of County Carlow in recognition of its importance as a non-renewable resource, a unique identifier, and as a natural resource asset. There are also policies stated in relation to the protection of natural heritage sites.

In relation to Built Heritage it is indicated as a general policy in policy BH P1 to promote the conservation and reuse of early traditional structures, roofscapes of historic centres and the recognition of interrelationships between sites and landscape features in terms of the insertion of new buildings and managing their impact on the historic environment.

In relation to Archaeological Heritage it is indicated as a general policy in policy in AH P1 to secure the preservation (either in situ or by record) of all archaeological monuments included in the Record of Monuments and Places (RMP) and their settings, and of all sites and features of significant archaeological or historical interest, including potential and previously unknown sites or features, in consultation with the National Monuments Service in the Department of Housing, Local Government and Heritage and AH P5 to have regard to the Record of Monuments (RMP) and Places, the Natural and Built Heritage Urban Archaeology Survey and archaeological sites identified subsequent to the publication of the RMP when assessing planning applications for development. No development shall be permitted in the vicinity of a recorded feature, where it detracts from the setting of the feature or which is injurious to its cultural or educational value.

In relation to Protected Structures policy PS P1 is to ensure the protection of the architectural heritage of County Carlow, through the identification of Protected Structures, the designation of Architectural Conservation Areas, and the recognition of structures and features in the County that make a positive contribution to vernacular and industrial heritage policy PS P2 to ensure the protection and conservation of the character, setting and special interest of all buildings, structures (or parts of structures) and sites, listed in the Record of Protected Structures, including their curtilage, attendant grounds, and fixtures and fittings.

5.1.5. Section 16 refers to Development Management and outlines standards for the assessment of proposals for development under a wide range of criteria,

Volume 2b Appendices in appendix VIII Landscape Character identifies the site as within Central Lowlands and in an area of relative low sensitivity.

Appendix VIII outlines the Record of Protected Structures and on page 73 the following are listed CW543 Rutland House, Rutland, CW544 Urglin Church of Ireland

Church, CW545 Walled compound, Rutland House, Rutland and CW546 Duckett Mausoleum, Urglin C of I Church, Urglin.

5.2. National Guidance

5.2.1. Sustainable Rural Housing Guidelines 2005

The guidelines make clear distinction between urban and rural generated housing and to differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in urban areas.

Section refers to 3.2.3 Rural Generated Housing Persons who are an intrinsic part of the rural community and that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community which would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes or wish to care for elderly family members. Having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal planning considerations relating to siting and design, such as those outlined in section 4 of the guidelines, the planning authority will look favourably upon an applicant's proposal for an individual house in a rural area where that applicant comes within the development plan definition of need.

Rural housing policies will normally be linked to other sections of the plan dealing with landscape character; protection of key natural assets such as surface and ground water resources; the efficient ongoing development and safe operation of key transport arteries such as roads, particularly National Primary and National Secondary routes and that the consideration of individual sites will be subject to normal siting and design considerations and these would normally include provisions to the effect that any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.

5.2.2. National Planning Framework 2040

In Section 5.3 National Policy Objective 19 provides for:

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.

5.3. Natural Heritage Designations

None relevant.

5.4. EIA Screening

5.5. 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The main grounds of appeal can be summarised as follows:

- Reference is made to location of the proposed dwelling, its setting in the local area and level of development in the area.
- Reference is made to the proximity to a Protected Structure Rutland House and a church and that the site forms part of its original grounds and historic character.
- The application is a speculative development and the site remains in the ownership of a family that has farmed the lands for over 70 years.
- It is submitted that the development will have a visual and heritage impact on National Monuments and Protected Structures referring specifically to the church and graveyard and Rutland House which are referred to in the CDP.
- The footprint of the dwelling which is a large will have a negative impact on the architectural heritage landscape and this has not been considered in the assessment of the application and the obstruction of long views should have been considered.

- It is submitted that the application form did not recognise the presence of National Monuments and Protected Structures and the statutory application form is incorrect on this point and the application should have been invalidated.
- It is contended that there is a lack adequate environmental information for Appropriate Assessment and reference is made to the presence in the area of mature trees and landscaped estate grounds and the proposal will have a significant impact on what is sensitive environmental area. Reference is made to the presence of bats and no environmental survey or assessment was carried out in relation to protected species or no assessment in relation to linkage to a Natura Site the River Barrow and Nore SAC (Site code 002162).
- The development will negatively impact on the natural amenity character and rural agriculture of the area. The issue is not screening the development but the size, scale and massing of the proposed development.
- It is contended that both applicants are equally required to meet criteria and not just one of the applicants for the purpose of assessment of the development in relation to rural housing policy.
- The applicant does not meet the qualification requirements of the local need rural housing policy and the proposal is an urban generated development pressure on a rural area.
- Reference is made to the requirements of assessment of local need and the need to retain viability of settlements and protection of the rural area and documentation in relation of the applicants is not submitted at all in relation to assessing local need.
- The application is speculative urban generated development.
- The appellant who is a directly adjacent dairy farmer is concerned in relation to the impact of the proposed development on his commercial farming operation and activities associated with the farming operation.
- Reference is made to the unsympathetic nature of the proposal and impact on the historic character of the proposed development and issues raised by the appellant were not responded to.

- The issue of sightlines and traffic safety are referred to in the context of the submitted drawings.
- A report on the impact of the development on architectural heritage is also submitted with the grounds of appeal which supports many of the matters raised in the grounds of appeal.

6.3. First Party Response

The first party in summary in a response to the grounds of appeal,

- Historically the site was developed for a dwelling with associated site works in situ and this is referred in a summary of the site's planning history.
- There will be no removal of mature trees and there will be minimal removal of the existing ditch to facilitate site access.
- Reference is made to national and local policy and that there is no conflict in the policies as stated for rural areas and for provision for rural generated houses in their local area.
- The first named applicant has a local connection to the area and his parents reside 1.17 kilometres from the appeal site and this was accepted by the planning authority in their assessment of the application.
- Reference is made to section 16 of the CDP in relation to development management criteria and how the proposed development complies with the criteria.
- In relation to the grounds of appeal reference is made to the historical use on the site, the pattern of development in the area including a dwelling and farmyard in closer proximity to the protected structures than the appeal site. reference is also that the proposal is single storey and appropriate to the local context and landform.
- The development is not within the curtilage of the protected structures and archaeological monuments.

- The site is circa 4 kilometres from a Natura site with no direct pathway and screening for Appropriate Assessment was carried out by the Planning Authority.
- There are no landscape designations or protected views affected by the proposed development. A detailed landscaping plan has been prepared to minimise impact and harmonise the development.
- The issue of local need has been addressed to the satisfaction of the planning authority and the decision to grant also provides for an occupancy condition.
- In relation to impacting on commercial farming it is noted that a dwelling existed on the site up to 18 months ago and there is a separation distance of 130 metres from the farm.
- The proposal is single storey and will integrate into the area.
- In relation to traffic the roads report indicated satisfaction with details submitted.
- There is no policy basis for permission to be refused.

6.4. Planning Authority Response

The response of the planning authority indicates no further comment and the position of the planning authority is addressed in the planning reports.

7.0 Assessment

- 7.1. The main issues in this appeal are those raised by the third party in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development / Policy.
- Site specific considerations
- Appropriate Assessment

7.2. Principle of the development / policy.

- 7.2.1. The site is located in a rural area just in relative proximity to the town of Carlow and village of Palatine in an area where the 80kph speed limit applies. The provisions of the county development plan relating to housing in the rural area apply and the site is within an area identified as within Zone 1 Rural Areas under Urban Influence as indicated on Map 3.2: Rural Housing Policy Zones and the provisions as stated in Section 3.16.2 refers to Rural Generated Housing Need and the criteria outlined in table 3.5.
- 7.2.2. Table 3.5: outlines categories and criteria in relation to Rural Housing Policy Zone 1 and it is indicated that the applicant shall demonstrate with relevant documentary proof that they have a functional social requirement to live in this rural area, and wish to build a home for their own use. This includes persons who can demonstrate that they are living or have lived full-time in the local rural area for a minimum of 5 consecutive years at any stage prior to the making of the planning application, including returning migrants seeking a permanent home in their local rural area. For the purposes of this policy, 'local rural area' is defined as a site within an 8km radius of where the applicant is living or has lived. Policy RHP1 restates the provisions as outlined in table 3.5.
- 7.2.3. In assessing the proposed development, the planning authority requested details in relation to the criteria and documentation was submitted which the planning authority considered comply with the provisions of the development plan.
- 7.2.4. In the grounds of appeal, it is contended that both applicants are equally required to meet criteria and not just one of the applicants for the purpose of assessment of the development in relation to rural housing policy; that the applicant does not meet the qualification requirements of the local need rural housing policy and the proposal is an urban generated development pressure on a rural area and reference is made to the requirements of assessment of local need and the need to retain viability of settlements and protection of the rural area and documentation in relation of the applicants is not submitted at all in relation to assessing local need.
- 7.2.5. In relation to the development plan provisions I note there is reference to applicant and there is not specific provision stated that where there is more than one applicant applying for permission that all the stated applicants must meet the criteria.

- 7.2.6. In section 3.2.3 of the Sustainable Rural Housing Guidelines 2005 in considering rural generated rural housing reference is to persons who are an intrinsic part of the rural community and that such persons will normally have spent substantial periods of their lives, living in rural areas, to sons and daughters and also people who have lived most of their lives in rural areas and are building their first homes. Having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal planning considerations the planning authority will look favourably upon an applicant's proposal for an individual house in a rural area where that applicant comes within the development plan definition of need. The guidelines do not in any manner infer that where there is more than one applicant all applicants must satisfy the definition of local link to the area.
- 7.2.7. Although there is general presumption in relation to the proliferation of single dwellings in the countryside and the consolidation and growth of small settlements and villages having reviewed the submitted documentation, I am satisfied that the applicant complies with the provisions as stated in table 3.5 of the CDP in terms of housing need and links to the area and consideration of this proposal can be made having regards to stated policy guidance. I would note in the response to the grounds of appeal it is indicated that the first named applicant has a local connection to the area and his parents reside 1.17 kilometres from the appeal site
- 7.2.8. I am also satisfied that the application does meet the requirements as set out in section 3.2.3 of the national policy on rural housing for consideration of a dwelling subject to other criteria being considered.

7.3. Site specific considerations

- 7.3.1. In relation to the site the primary a number of issues are raised in the grounds of appeal which include siting of the dwelling and location relative to protected structures in the area; siting and design of the dwelling; traffic, impact on natural heritage. Other matters in relation to design and services will be considered as required under local and national policy guidance.
- 7.3.2. Specifically in relation to built heritage the grounds of appeal refers to the location of the proposed dwelling, its setting in the local area and level of development in the area and in particular to the site's proximity to a Protected Structure Rutland House and a church and that the site forms part of its original grounds and historic

character. It is submitted that the development will have a visual and heritage impact on National Monuments and Protected Structures referring specifically to the church and graveyard and Rutland House which are referred to in the CDP and that the large footprint of the dwelling which is a large increase in footprint will have a negative impact on the architectural heritage landscape and this has not been considered in the assessment of the application and the obstruction of long views should have been considered.

In relation to impact on the built heritage the site is removed from Rutland House CW543 with no clear visual connection to Rutland House and the appeal site. There is a dwelling two access roads one leading to the church and another to the farm complex in the separation distance between the appeal site and Rutland House. There is also another dwelling immediately proximate to Rutland House and the appeal site cannot be considered to impact on the curtilage of Rutland House and its attendant grounds.

In relation to the church CW544 Urglin Church of Ireland Church and CW546 Duckett Mausoleum these features are located approximately 370 metres from the public road and accessed from a cul de sac off the public road and are approximately 350 metres from the proposed dwelling with open lands separating the appeal site and the church grounds. There is also a clearly defined area and curtilage in the immediate vicinity of the church grounds which includes a graveyard and is defined by an established boundary. The upper section of the tower of the church is visible from the appeal site and also the vicinity but the range of visibility is limited to the immediate local area largely arising from the established natural screening and vegetation and the opening presented by the access to the appeal site and to some degree the access road to the church provides the only major visual appearance of the church. Having reviewed the level of potential visual impact arising from the proposed development I do not consider that the proposed dwelling by nature of its scale and height will impact on the church or give rise to the obstruction of long views.

I would also note that there was dwelling on the site where under P.A. Ref. No. PL. 02/635 permission was granted for a timber frame dwelling house with a septic tank and was subsequently constructed and largely removed and the principle of a dwelling on the site was established.

7.3.3. In relation to siting and design, the proposal is for a dwelling which is single storied of modern design and construction with a maximum height to ridge roof of 5230mm set back approximately 31 metres from the road and located generally central on the site. The external elevations were modified in the further information submitted on the 24th May 2023. The dwelling is low level in profile of a modern design and construction with some elements of traditional proportions. There is a hedgerow fronting the public road. existing trees on the site are proposed to be retained and additional landscaping is proposed. I do not consider that the proposal will impact on the visual amenities of the area.

I would note that permission for this development would add an additional dwelling on this road and that there are also two current dwellings fronting this road in close proximity one of which adjoins the appeal site. I would however note the planning history of the site and that a dwelling was granted permission on the site, constructed and subsequently removed and based on this consideration could be given to a dwelling in this instance on the appeal site.

7.3.4. In relation to traffic impact the site fronts onto a public road which in the vicinity of the site is a straight section of road with good horizontal alignment. The site currently has an access point and the site previously had an access previously used for a dwelling which no longer exists but some remnants of that dwelling remain on the site and a gap in the hedgerow remains.

In relation to the proposed access for the purpose of this assessment I consider that sightline visibility of 65 metres at a point 2 metres from the road edge at a point 1.05 metres above the level of the access at that point can be achieved in both directions and adequate sightline visibility can be achieved in both direction from the proposed access point to the public road. I also consider that drainage can be satisfactorily provided in a manner which would prevent discharge onto the public road.

7.3.5. In relation to piped services, it was initially proposed to install a private well but in the further information it was indicated that it is proposed to connect to the public mains water supply and I would have no objections to this.

It is proposed to treat domestic effluent by a new wastewater treatment system and the proposal also provides for the decommissioning of existing septic tank. A Site Character Assessment report was submitted which recommended a septic tank and

percolation area discharged to groundwater based on the assessment based on the recommendations of the Site Characterisation Assessment submitted. Based on the information submitted which complies with current EPA Code of Practice the proposal will provide for a satisfactory treatment of effluent.

- 7.3.6. Reference is made in the grounds of appeal that there is a lack adequate environmental information for Appropriate Assessment and reference is made to the presence in the area of mature trees and landscaped estate grounds and the proposal will have a significant impact on what is sensitive environmental area. Reference is made to the presence of bats and no environmental survey or assessment was carried out in relation to protected species or no assessment in relation to linkage to a Natura Site the River Barrow and Nore SAC (Site code 002162).

As already indicated, there are no proposals to remove trees on the site or impact on any mature trees in the area. Although the grounds of appeal refer to the presence of bat species from the Carlow Town area there is no evidence presented that the species utilise the site in any migratory pattern or that the site would be favourable habitat for the species.

The site is approximately 4 kilometres from a Natura site the River Barrow and Nore SAC (Site code 002162) and there are no watercourses on the site and no evidence of direct pathway and receptor between the appeal site and the Natura site.

- 7.3.7. I note the presence of a farmyard in excess of 160 metres from the site and that there is a road/lane in the separation distance. Housing in the Irish countryside is a tradition form and pattern and there is nothing to suggest that the proposal will directly impact on agricultural practice.

7.4. **Appropriate Assessment Screening**

- 7.5. 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 and 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 that permission be granted.

9.0 Reasons and Considerations

Having regard to the location of the site, the pattern of existing and permitted development in the vicinity, the planning history of the site, the provisions of the current Carlow County Development Plan and National Guidance as indicated in the Sustainable Rural Housing Guidelines 2005 and National Planning Framework 2040 it is considered that the proposed development would be in accordance with the stated provisions of the current Carlow County Development Plan 2022-2028. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23 rd January 2023 and 24 th May 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. Reason: In the interest of clarity
2.	(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same

	<p>category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>External finishes to the proposed development shall be in accordance with the details received by the planning authority on the on the 23rd January 2023 and 24th May 2023.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>Reason: In the interest of visual amenity.</p>
5	<p>The developer shall enter into a water connection agreement with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
6	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from</p>

	<p>roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of public health and traffic safety.</p>
7	<p>1 (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</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 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>2. Details to comply with the requirements of this condition shall be submitted in a permission consequent to this grant of outline planning permission.</p> <p>Reason: In the interest of public health.</p>

8	<p>The proposed entrance to the site shall be located at the point on the roadside frontage indicated in the details submitted to the planning authority on the 23rd January 2023 and 24th May 2023.</p> <p>Any removal of the roadside boundary to facilitate the provision of sightline shall be reconstructed behind the sightline visibility line and the reconstructed boundary and shall consist of native species hedgerows details of which are to be submitted to and agreed with the planning authority prior to the commencement of any development works on the site.</p> <p>Reason: In the interest of traffic safety and visual amenity</p>
9	<p>The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with the details submitted to the planning authority on the 23rd January 2023 and amended on the 24th May 2023. A timescale for implementation of the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
10	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity</p>

12	<p>The use of the domestic garage shall be for private domestic use only solely incidental to the enjoyment of the dwellinghouse and not used for any commercial or trade purposed or for human habitation.</p> <p>Reason: In the interests of clarity.</p>
13	<p>The applicant/developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Derek Daly
Planning Inspector

17th November 2023