



An
Bord
Pleanála

Inspector's Report ABP318811-23

Development	Construction of a house, wastewater treatment system and all associated site works.
Location	Site located 65m south of Woodpark Farm House, Woodpark, Lusk, Co. Dublin, K45 K231.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F23A/0615.
Applicant	Jane Phelan Walsh.
Type of Application	Planning permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellant	Jane Phelan Walsh.
Observer(s)	None.
Date of Site Inspection	11th March 2024.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located in the townland of Woodpark, approximately five kilometres east of Ballyboughal and three kilometres west of Lusk in a rural area in north County Dublin west of the M1 motorway.
- 1.2. The site fronts onto a narrow local road which defines the site's eastern boundary and consists of a mature ditch and mature vegetation. The site has mature trees and vegetation on the remaining boundaries. There are dwellings in the vicinity fronting onto the local road network including on adjoining lands to the north and south and on the opposite (eastern) side of the local road.

2.0 Description of Development

- 2.1. The proposed development is for the construction of a house, wastewater treatment system and all associated site works.
- 2.2. The development as submitted provides for the following;

The construction of a proposed new two and a half storey, five bedroom dwelling with a single storied to the rear of modern design and construction to a maximum height to ridge level of 8590mm and with a stated area of 250m². The dwelling is located centrally on the site.
- 2.3. The development will be accessed via an existing widened gateway located centrally along the roadside frontage.
- 2.4. The proposed means of effluent treatment is a new wastewater treatment system with a site suitability assessment submitted in relation to this which recommends a secondary treatment plant for a PE of 8 with a polishing filter and percolation area of 105m². Surface/storm water is proposed to a proposed soakaway to BRE 365 standard for storm water and a permeable surface is proposed for the driveway. It is proposed to an existing public mains water supply.
- 2.5. The site has a stated area of 0.2313 hectares.
- 2.6. The application also includes a consent of the landowner for the application and supplementary information in relation to local connection of the applicant to the area.

3.0 Planning History

3.1.1. No recent history

3.1.2. PA Ref. No. F00A/0318

Permission granted for a 4 bedroom bungalow and associated works.

3.1.3. Reference is made in the grounds of appeal to PA Ref. No. F20A/0459

Permission was granted on the 15th March 2021 for a detached part 2 storey/part single storey dwelling, on site wastewater treatment unit percolation area associated site works and utilising the existing vehicular entrance on a site adjacent to family home Parnelstown, Ballyboughal, Co. Dublin.

Documentation on the file would indicate that the site was on lands owned by the applicant's parents.

4.0 Planning Policy

4.1. Local Policy

4.1.1. The statutory development plan is the Fingal County Development Plan (CDP) 2023-2029. In summary the following are provisions of the 2023 plan as they relate to the current appeal.

4.1.2. In relation to the 2023-2029 CDP the site is located within the Zoning Objective 'RU' RURAL with the objective Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.

The appeal site is not located within a designated settlement as defined in the settlement strategy as outlined in chapter 2 of the CDP and in relation to Rural Clusters and Rural Area it is noted that rural areas within Fingal are categorised as being under strong urban influence, a key challenge is to ensure a balance between facilitating those with a genuine need to reside in rural Fingal while managing urban generated demand. Fingal's Rural Housing Policy is based on requirements for a demonstrable economic or social need to live in a rural area and ensure that siting and design adhere to statutory guidelines and design criteria. This approach follows on from the Rural Housing Guidelines 2005.

Policy CSP46 – Rural Settlement Strategy reflects this which, states *respond to rural-generated housing need by means of a rural settlement strategy which directs the demand where possible to Rural Villages and Rural Clusters and permit housing development in the countryside only for those people who have a genuine housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible.*

4.1.3. Chapter 3 refers to Sustainable Placemaking and Quality Homes and in section 3.5.15 Housing in Rural Fingal there are the following policies relating to rural settlement.

- SPQHP45 *to provide viable options for the rural community through the promotion of appropriate sustainable growth of the rural villages and clusters, balanced by carefully controlled residential development in the countryside,*
- SPQHP46 *to respond to the rural-generated housing need by means of a rural settlement strategy which will direct the demand where possible to rural villages, rural clusters and permit housing development within the countryside only for those people who have a genuine rural generated housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible and*
- SPQHP50 *to ensure that the agricultural identity of North Fingal is safeguarded, promoting the rural character of the County and supporting the agricultural and horticultural production sectors.* relating to rural settlement.

There are also an objective SPQHO55 in relation to the Preservation of roadside hedging and trees.

4.1.4. Section 3.5.15.3 refers to Fingal Rural Settlement Strategy Rural Generated Housing Need and that rural-generated housing needs are considered to be the housing needs of people who have long standing existing and immediate family ties, or occupations which are functionally related to the rural areas of the County.

Among those identified are.

- Members of farming families who are actively involved in the family farm which is located within rural Fingal.

- Persons who have close family ties to the Fingal rural community as defined in Table 3.5 paragraph (i).
- Persons who have been in long term employment, which is related to, and supportive of, the rural community as defined in Table 3.5 paragraph (ii) and where the employment is dependent on the residence of the person within the rural community.
- Persons who are a member of a rural-located family, who are considered because of exceptional and demonstrated health reasons to have a need to reside beside their family home in the rural area as defined in Table 3.5 paragraph (iii).
- Persons who are 'a bona fide' applicant, as defined in Table 3.5 paragraph (iv), and who have a demonstrated commitment to set up a rural-related business and who may not already live in the area, nor have family connections there, or be engaged in particular employment or business classified with the local needs criteria. The applicant must have a clearly demonstrated need to live in the rural area to ensure the functioning of the business.

4.1.5. In table 3.4 within the Zoning Objective 'RU' RURAL zoning among those eligible for permission those involved in the family farm, have close family ties; employment related to the community; exceptional health reasons and Bona Fide' business.

4.1.6. Table 3.5 outlines Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing and four criteria are outlined which include;

- i A member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, and where a new rural dwelling has not already been granted planning permission to a family member by reason of close family ties since 19th October 1999. The applicant for planning identified on the application must have lived in the family home or within the locality of the family home for at least fifteen years.
- ii. A person who has been in employment in a full-time occupation which is considered to satisfy local needs by predominantly serving the rural

community/economy for fifteen years prior to the application for planning permission, and has not already been granted planning permission for a new rural dwelling since the 19th October 1999.

- iii. A person who is an immediate member of a rural family who has not been granted permission for a rural dwelling, since the 19th October 1999, and is considered to have a need to reside adjacent to the family home by reason of that person's exceptional health circumstances.
- iv. A 'bona fide' applicant who may not already live in the area, nor have family connections there or be engaged in particular employment or business classified with the local needs criteria, subject to the following considerations: Such applicants will be required to satisfy the Council of their long-term commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, will contribute to and enhance the rural community and will demonstrate to the satisfaction of the Council that the nature of their employment or business is compatible with, and addresses and satisfies local needs, and will protect and promote the rural community.

4.1.7. Chapter 7 relates to Employment and Economy and in section 7.2.6 the Council supports existing rural employment and commercial enterprises and will promote and encourage appropriately scaled enterprises.

4.1.8. Chapter 14 relates to Development Management Standards and section 14.12.2 outlines Design Criteria for Housing in the Countryside and section 14.12.3 Design Guidelines for Rural Dwellings including access, surface and wastewater treatment and landscaping. Section 14.12.8 refers to New Housing for the rural community other than those actively engaged in farming and new dwellings will also be considered in areas which have an RU or GB zoning objective for members of the rural community who are not involved in farming. Applications must demonstrate full compliance with all relevant requirements set out under Chapter 3 and Table 3.5: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing including category (iv) as stated in table 3.5.

4.2. National Guidance

4.2.1. Sustainable Rural Housing Guidelines for Planning Authorities April 2005

- 4.2.2. The guidelines refer to the need for a development plan approach and to having similar defined the rural area types as set out in the NSS within the development plan. The Guidelines differentiate between rural and urban-generated housing.
- 4.2.3. The guidelines refer to rural generated housing; to sustaining and renewing rural communities; to accommodating people of a rural area in their area of origin and in section 2.4 to tailoring policies to local circumstances.

Section 3.2.3 refers to rural generated housing and there is reference to “*persons who are an intrinsic part of the rural community*” and also reference in this regard to “*members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members*”. There is in addition reference to working in rural areas including full and part time farming and other persons whose work predominantly takes place within rural areas.

The guidelines indicate, however, that having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal 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. Chapter 4 outlines the criteria to be assessed in determining applications in rural areas.

- 4.2.4. In summary, the Guidelines provide that people who are part of the rural community should be facilitated by the planning system in all rural areas and to take a positive approach to applications from such persons in the areas referred to, in circumstances where permission might otherwise be refused.
- 4.2.5. Circular SP 5/08

Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty.

Refence is made to Local Need Criteria Policies and Practices and that the overarching consideration for the local need assessment criteria in relation to residency, blood-line, local employment and agricultural activities must be that objectives and provisions in development plans and their application in the development management processes do not discriminate against planning applicants wishing to establish a full-time home-based business in an area in favour

of those who are deemed to qualify as “locals” through the particular local need assessment criteria, which are adopted by the members of each Council.

The circular also states that a bone fide applicant who may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration within the proper planning and sustainable development objectives for the area subject to the following considerations:

- such applicants may reasonably be required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, in order, for example, to discourage commuting to towns or cities;
- that they outline how their business will contribute to and enhance the rural community; and that they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage applicants whose business is not location dependent (e.g. telesales or telemarketing).

4.2.6. 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.

5.0 Natural Heritage Designations

None relevant. The site is not within a Natura Site or directly connected with a Natura Site.

6.0 Planning Authority Decision

- 6.1. The decision of the planning authority was to refuse planning permission and one reason was stated which refers to the site’s zoning and that the applicant has not

demonstrated a local rural housing need with reference to the criteria as set out in Table 3.5(ii) of section 3.5.15.5 of the CDP and contravene materially a development objective of the plan. The reason for refusal also refers to National Policy Objective 19 of the National Planning Framework.

6.2. Planning Authority Reports

6.2.1. Planning Report

The planning report dated the 5th December 2023 refers to the provisions of the current County Development Plan, that the proposal does not comply with the provision of the plan in relation to housing need in rural areas with specific reference to Table 3.5 and refers to other reports of the planning authority received. The report recommended refusal of permission.

6.2.2. Other Reports/Submissions

The Archaeologist report recommends test excavation owing to the presence of an identified circular anomaly identified in the area of the site.

Uisce Éireann in a submission indicate no objection.

7.0 First Party Appeal

7.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The appellant is from the area of Ballyboughal and has established ties to the area including a business with local clientele.
- The appellant rents in the local area and her family home is a one off home in Bettville with no additional lands.
- The appellant has lived her entire adult life in rented accommodation in and around North County Dublin.
- There are no suitable houses available in the area, is limited and what is available is expensive.
- No issues are raised in relation to the design of the proposed dwelling.

- The appellant owns and operates a successful hairdressing business and the CDP supports rural enterprise and business.
- The appellant refers to Table 3.5(ii) and local business owners need homes for themselves in the local area and the appellant has a long established connection to the area.
- The appellant has never owned a home.
- The appellant has a housing need.
- Details of the long established connection to the Ballyboughal area are outlined.
- The place of employment is within 3.6 kilometres of the site.
- Zoned lands in villages are generally not available to individuals.
- Reference is made to precedent of permitting development in the area F20A/0459.

8.0 Appeal Responses

8.1. The Planning Authority in a response dated the 1st February 2024 in summary refers to;

- Based on the information supplied the planning authority remain of the opinion that the applicant has not adequately demonstrated compliance with the requirements of Table 3.5 of the Fingal CDP in terms of constituting a role which predominately serves the rural community/economy.
- There is alternative housing/zoned lands in the village
- In permission is granted a section 48 contribution should be applied.

9.0 EIA Screening

Having regard to the limited nature and scale of 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.

10.0 AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, 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.

11.0 Assessment

11.1. The main issues in this appeal are those raised in the planning authority's reasons for refusal. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Policy compliance.
- Residential and visual amenity.
- Services.

11.2. Principle of the development.

11.2.1. The proposal as submitted is for the construction of a house, wastewater treatment system and all associated site works. The proposed site is in a rural area and not within a designated settlement or development area boundary as defined in the current Fingal County Development Plan.

In relation to the principal of a dwelling in the rural area dwelling houses are a permitted use in the RU zoning but the CDP does outline criteria under which a dwelling is considered and these are outlined in Chapter 3 of the plan and in particular section 3.5.15.3 in relation to rural settlement strategy rural need and also Table 3.5 of the plan. Any assessment would also consider standards as stated in Development Management but the principle of a dwelling subject to such provisions can be considered on the appeal site.

11.3. Policy Compliance.

- 11.3.1. The decision of the planning authority was to refuse planning permission indicating that it was not demonstrated there is a local rural housing need with reference to the criteria as set out in Table 3.5(ii) of section 3.5.15.5 of the CDP. The reason for refusal also refers to National Policy Objective 19 of the National Planning Framework and Ministerial Guidance.
- 11.3.2. Central to national and local guidance is the need to protect rural areas from urban generated housing in particular in areas under urban influence and pressure due to proximity to urban areas and in relation to Fingal this would largely apply to the entire rural area of the county. This approach is I consider reasonable.
- 11.3.3. In relation to rural housing national policy is largely as set out in the Sustainable Rural Housing Guidelines for Planning Authorities April 2005 which largely differentiates between rural and urban-generated housing and the need for a plan led approach. The CDP also refers to the 2005 guidelines. The 2005 guidelines refers to rural generated housing and there is reference to “*persons who are an intrinsic part of the rural community*” and also reference in this regard to “*members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members*”. There is in addition reference to working in rural areas including full and part time farming and other persons whose work predominantly takes place within rural areas. The guidelines were largely to address established members of the rural areas and in particular children who wished to live in the area they grew up and provide a mechanism to favourably consider residential development in particular in areas under strong urban influence which would apply in relation to the appeal site.
- 11.3.4. Although the current CDP reflects the matters raised in the circular the Planning Authority did not consider based on the information submitted that an exception to the strict provisions on rural housing was warranted.
- 11.3.5. The appellant in the grounds of appeal indicates that she is from the area of Ballyboughal and has established ties to the area including a business with local clientele; rents in the local area and her family home is a one off home in Bettyville with no additional lands. The appellant also states she has lived her entire adult life in rented accommodation in and around North County Dublin; that there are no

suitable houses available in the area, is limited and what is available is expensive. In relation to employment the appellant owns and operates a successful hairdressing business and the CDP supports rural enterprise and business and local business owners need homes for themselves in the local area and the appellant has a long established connection to the area; has never owned a home and has a housing need.

- 11.3.6. There is no dispute that the appellant based on documentation submitted has established a long connection to the Ballyboughal area, attended school locally and grew up in the rural area northeast of Ballyboughal in Bettyville and that her parents have no lands other than the family home and therefore are not in a position to provide a site.
- 11.3.7. The primary consideration of the planning authority would appear to be that the nature of the business operated by the appellant is not a core rural enterprise engaged in a particular employment or business which will contribute to and enhance the rural community and will demonstrate to the satisfaction of the Council, addresses and satisfies local needs, and will protect and promote the rural community.
- 11.3.8. It could be considered, however, that although preserving and protecting the agri based economy is a very important consideration other services which are non-related agri business are also of major importance in serving and sustaining the rural community and economy and in the absence of these services rural dwellers would be required to travel outside of their area to avail of such services and impact on sustaining rural areas and rural communities.
- 11.3.9. I would also note that the Guidelines provide that people who are part of the rural community should be facilitated by the planning system in all rural areas and to take a positive approach to applications from such persons in the areas referred to, in circumstances where permission might otherwise be refused.
- 11.3.10. In considering the criteria as outlined in Table 3.5 I would note the following;
- In relation to i although the appellant has not presented any case in relation to reside close to their family home by reason of close family ties, the appellant has identified having lived in the family home or within the locality of the family home for at least fifteen years.

- In relation to ii. A person who has been in employment in a full-time occupation which is considered to satisfy local needs by predominantly serving the rural community/economy for fifteen years prior to the application for planning permission. In this regard as already indicated the appellant has and continues to operate a business which services the rural community/economy and assists in sustaining the local economy.
- In relation to iii nothing is presented that this matter arises.
- In relation to iv and the issue of a 'bona fide' applicant, the issue that the appellant does not already live in the area, nor have family connections does not arise as it is established that the appellant does have such connections. Based on documentation established has a long-term commitment to operate a full-time business, will for the reason already outlined contribute to and enhance the rural community and demonstrates that the nature of their employment or business although it is not a core agri enterprise is compatible with, and addresses and satisfies local needs, and will promote I consider the rural community.

11.3.11. Having reviewed the documentation as submitted I therefore consider that the appellant has complied with national and CDP policy and subject to meeting development management standards and proposed development is acceptable.

11.4. Impact on visual and residential amenity

11.4.1. In relation the issue of residential amenity the site is located in a rural area and although there are dwellings in the vicinity given the separation distance, I do not consider that the development adversely impacts on residential amenity.

11.4.2. In relation to visual amenity the existing development is currently well screened from the road by an established roadside hedgerow and is only visible at the current entrance to the site and immediate vicinity. I would note that there is a cluster of dwellings in the immediate area but the presence of mature vegetation screens the site. The proposal is within what could be considered as consolidating into a cluster rather than introducing development into an area free of development.

11.4.3. The proposed dwelling which is two and a half storied of modern design and construction to a maximum height to ridge level of 8590mm is acceptable and will not

be visually obtrusive in the landscape which has no visually sensitive designation. It is also proposed to maintain existing site boundaries which have mature planting with the exception of widening the existing field entrance.

11.5. Services

11.5.1. It is proposed construct a new entrance. The road fronts onto a local road where the 80kph speed limit applies and is a straight section of carriageway with good vertical and horizontal alignment. I note the report of the transportation planning section raised no objection in relation to the details as submitted.

11.5.2. In relation to domestic waste water management this provides for the proposed means of effluent treatment as a new wastewater treatment system. The application was accompanied by a site suitability assessment submitted in relation to this which recommends a secondary treatment plant for a PE of 8 with a polishing filter and percolation area of 105m² and the site has adequate area to accommodate this percolation in accordance with the guidance.

11.5.3. Surface/storm water is proposed to discharge to a proposed soakaway to BRE 365 standard for storm water and a permeable surface is proposed for the driveway.

11.5.4. It is proposed to an existing public mains water supply.

11.5.5. I would have no objections to the details as submitted.

11.6. Other issues.

11.6.1. I note the recommendation in the Archaeologist report which recommends test excavation owing to the presence of an identified circular anomaly identified in the area of the site. I consider such a requirement to be reasonable in a grant of planning permission.

12.0 Recommendation

12.1. I recommend that permission be granted.

13.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development and its location in a rural area, the provisions of the Fingal County Development Plan 2023-

2029, National Guidance as stated in the Sustainable Rural Housing Guidelines for Planning Authorities April 2005, its location and relationship to existing development in the vicinity, it is considered that the proposed development would not seriously injure the visual or residential amenities of the rural area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>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. 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. 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 in the interest of the proper planning</p>

	and sustainable development of the area.
3.	<p>The existing dwelling shall be occupied as a single residential unit and shall not be used for any commercial use or for the carrying out of any trade.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Details of the external finishes of the proposed development dwelling and stable building shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Within two months of the date of this order the applicant shall submit to and agree with the planning authority pay to the planning authority a landscaping scheme in relation to the site.</p> <p>This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing;</p> <p>(i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping,</p> <p>(ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder including supplementary hedgerow along the northeastern boundary of the site.</p> <p>(b) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased 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 the interests of visual amenity</p>
6.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Surface water arising from the new access shall be disposed of</p>

	<p>within the site and not discharge onto the public road.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution</p>
7.	<p>(a) The proposed percolation area effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 12th day of October, 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.</p> <p>Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) 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 percolation area effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health</p>
8.	<p>The developer shall facilitate the protection of archaeological materials or features which may exist within the site. In this regard, the developer shall</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) submit to and agree in writing with the planning authority revised proposals which shall ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance,</p> <p>(c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the</p>

	<p>authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
9	<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>
10	<p>The proposed entrance to the site shall be constructed in accordance with the detailed requirements of the planning authority for such works. The road side frontage of the existing entrance shall be planted with a hedgerow to complement the existing roadside hedgerow and carried out within an agreed timescale with the planning authority.</p> <p>Reason: in the interests of traffic safety.</p>
11	<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.</p> <p>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</p>

	<p>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>
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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.

.Derek Daly
Planning Inspector

27th March 2024