



An
Bord
Pleanála

Inspector's Report

ABP-319876-24

Development	Construction of dwelling, garage, septic tank & percolation area, bored well, domestic entrance and all associated site works.
Location	Bellmount, Clonmore, Hacketstown, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	21502
Applicant(s)	Samantha Kelly
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party x 2
Appellant(s)	Robert Keenaghan Sharon Cusack
Observer(s)	None
Date of Site Inspection	27 th September 2024
Inspector	Mary Crowley

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	4
4.0 Planning Authority Decision	6
4.1. Decision	6
4.2. Planning Authority Reports	7
4.4. Prescribed Bodies	8
4.5. Third Party Observations	8
5.0 Planning History	9
6.0 Policy Context	9
6.1. National Policy	9
6.4. Sustainable Rural Housing Development Guidelines 2005	9
6.5. Development Plan	10
6.6. Natural Heritage Designations	13
6.7. EIA Screening	13
7.0 Grounds of Appeal	14
7.2. Applicant Response	15
7.3. Planning Authority Response	15
7.4. Observations	15
7.5. Further Responses	16
8.0 Assessment	16
8.3. Principle	16
8.4. Residential Amenity	18

8.5. Water Supply	19
8.6. Traffic Hazard	20
8.7. Other Issues.....	21
8.8. AA Screening	21
9.0 Recommendation.....	21
10.0 Reasons and Considerations.....	21
11.0 Conditions	22

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Introduction

- 1.1. The Board will be aware that the previous decision on this site, on appeal ABP-3214874-22 has been quashed by the Courts (Samantha Kelly v An Bord Pleanála) and remitted back to the Board for a fresh determination. The file has been reactivated and a new file number has been assigned (ABP-319876-24 refers). Please note that while this case is considered de novo there is some repetition in this report with that of my previous report.

2.0 Site Location and Description

- 2.1. The appeal site with a stated area of 0.285 ha is located in the rural townland of Bellmount, Clonmore, Hacketstown, Co.Carlow and is located approx. 1.5 km to the east of the settlement of Clonmore. The site is located between two existing two storey style dwellings to the east and west with detached garages to the rear of each. The site is currently partly under grass and is accessed by means of an existing agricultural entrance. The site is bounded to the front/northern boundary by mature hedgerow and trees, to the side/eastern boundary by mature hedgerow and some trees and to the side/western boundary by a high block boundary wall between the site and the adjoining dwelling with a mixture of timber post and rail fence and hedging to the remaining boundary. The appeal site gently falls on site from front to rear in a north south direction. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

3.0 Proposed Development

- 3.1.1. Planning permission was sought on the **16th December 2021** for single storey dwelling (109.2sqm), single storey garage (21.6sqm), septic tank and percolation area, new bored well, new domestic entrance and all associated site works. The site will be served by a private well and septic tank. The application was accompanied by a (1) Wastewater Treatment Assessment Report (Site Characterisation Report) that recommended a septic tank and percolation area be installed and a (2) letter of consent from the landowner to make a planning application.

3.2. Unsolicited information was submitted on **28th January 2022** in response to observations recorded on the planning file summarised as follows:

- Location of proposed well is the best location but applicant happy to move it if a more suitable location is identified.
- All proposed soakways are to be constructed in accordance with regulations and conditions of permission
- Existing wells are to the front of existing properties with existing septic tanks to the rear. A 40m radius from the proposed septic tank does not reach adjacent properties and is therefore removed from existing wells.
- There is ample space within the proposed site to comply with EPA regulations
- Adjacent septic tanks can be mapped as per their planning applications if required as access to sites not available
- Garage can be moved if required
- Unlikely that proposed single storey dwelling will overshadow observers site
- This a carefully designed 2 no bedroom house. There is no intention to convert the attic space. It is to be a storage area only. The 3 no velux windows are for light only. The percolation system has been over specified as the application does not wish to have percolation issues.
- The site is on family land (late Aunt) close to the applicants' parents.

3.3. Further information was submitted on **11th August 2022** summarised as follows:

- Revised site layout plan(s) indicating location of 2 no existing wells and their XY coordinates, neighbouring percolation areas, soakaways and drainage ditch along the southern boundary
- Revised site layout plan indicating the groundwater flow direction which is generally south-east as confirmed in the Hydrogeological report attached
- Visual Assessment
- Existing site levels
- Contiguous elevations and longitudinal site section

- Revised site layout plan indicating the existing features boundaries, walls, railings, trees etc
- Revised layout indicating revised location for the domestic garage
- Landscape plan
- Detailing of the proposed entrance piers and wing walls and surface finishes to the site.

3.4. The further information was accompanied by the following:

- SUDS Calculations
- Updated Site Assessment Report / Assessment
- Hydrogeological Report

3.5. Revised public notices were submitted on **24th August 2022**.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Carlow County Council issued a notification of decision to grant permission subject to 14 no generally standard conditions summarised as follows:

1.	Compliance with plans and particulars submitted on 16 th Decembers 2021 as amended on 11 th August 2022
2.	Completed dwelling to be permanently residence of applicant
3.	External finishes
4.	Garage shall be for domestic use only
5.	Attic shall be confined to storage only.
6.	Site entrance and roadside drainage
7.	Landscaping
8.	Underground cabling
9.	Consultation with the CFO

10.	Surface water and wastewater treatment
11.	Development Contribution
12.	Construction management
13.	Noise and dust emissions
14.	Construction work hours

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The **Case Planner** in their first report requested further information as per the report of the Environment Engineer (see below) in relation to location of existing and proposed bore wells and percolation area together with longitudinal sections / cross sections in relation to adjoining houses, boundary treatment details, relocation of garage to the rear of the proposed house and a landscaping scheme.
- **Further information** was requested on 15th February 2022.
- **Revised public notices** were requested on 16th August 2022.
- The **Case Planner** in their second report and having considered the further information recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Carlow County Council reflects this recommendation.

4.2.2. Other Technical Reports

4.2.3. Planning Application

- **Chief Fire Officer** – No objection
- **Area Engineer** – Proposal will not affect traffic in the area. No objection subject to conditions relating to roadside drainage, sightlines to be established prior to commencement of work on site, roadside drainage and underground cabling.
- **Water Services** – No impact. No objection
- **Environment Engineer** – In a report dated **5th January 2022** the Engineer requested detailed further information in relation to the location of the two existing wells located on either side of the proposed well and separation distances to the

proposed percolation area, likely ground flow direction, revised site suitability report, detailed hydrological study and design details/calculations of the proposed soakaways.

- **Environment Engineer** - In a further report dated **27th January 2022** the Environment Engineer recommended a grant of planning permission subject to conditions relating to surface water, soakways complying with BRE Digest 365, wastewater treatment system to comply with the EPAs Code of Practise for Domestic WWTS and submission of a Certificate of Compliance.

4.3. Further Information

- **Environment Engineer** – In their report dated **30th August 2022** and having considered the further information submitted recommended that permission be granted subject to the following conditions relating to surface water, soakaways, distribution pipes, vents and wastewater treatment.

4.4. Prescribed Bodies

- **Irish Water** – Site is not adjacent to IW infrastructure and seeks no new connection. No impact. No objection.

4.5. Third Party Observations

- 4.5.1. There are 2 no observations recorded on the planning file from (1) Sharon Cusack and (2) Robert Keenaghan. The issues raised relate to location of well, negative impact on existing water supply, soakways, wastewater treatment, concentration of percolation area at this location, proximity of garage to boundary, overshadowing, landscaping proposals and future attic development.
- 4.5.2. Following the submission of further information there are 2 no further observations from (1) Sharon Cusack and (2) Robert Keenaghan. The issues raised relate to impact to existing adjoining bore wells, concentration of septic tanks in the area, overshadowing report required, future development of the attic and ribbon development.

5.0 Planning History

- 5.1. **ABP-314874-22** (Reg Ref 21502) - There was a previous appeal on this site. As documented the decision of the Board to refuse permission was quashed and remitted by the courts.

6.0 Policy Context

6.1. National Policy

6.2. National Planning Framework – Project Ireland 2040 (DoHP&LG 2018)

- 6.2.1. The *National Planning Framework – Project Ireland 2040* (NPF) is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

- 6.3. **National Policy Objective 19** refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e., the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, it refers to the need to 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. In all cases 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.

6.4. Sustainable Rural Housing Development Guidelines 2005

- 6.4.1. The *Rural Housing Guidelines* seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between

‘Urban Generated’ and ‘Rural Generated’ housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which ‘Rural Generated Housing Need’ might apply, including ‘persons who are an intrinsic part of the rural community’ and ‘persons working full time or part time in rural areas’.

6.4.2. The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas

6.4.3. **Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)"** – Environmental Protection Agency, 2009 – Sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

6.5. Development Plan

6.5.1. The operative plan for the area is the **Carlow County Development Plan 2022-2028**. I refer to Chapter 3 Housing. Section 3.16 Single Housing in the Countryside (Map 3.2: Rural Housing Policy Zones) identifies the appeal site as being within **Rural Area Type Zone 1 - Rural Areas Under Urban Influence** where the *Council shall consider a single house in the countryside for the permanent occupation of an applicant in Rural Areas Under Urban Influence where compliance with the criteria listed for Category 1 or Category 2 can be demonstrated as detailed in Table 3.5*. It is stated that compliance with **only one of the Categories must be demonstrated**.

6.5.2. Table 3.5: Rural Housing Policy Zone 1 Categories and Criteria set out the following:

Rural Housing Policy Zone 1				
Rural Areas Under Urban Influence				
Category 1			Category 2	
Criteria	for	Functional	Economic	Criteria for Functional Social Requirement
Requirement				
The applicant shall demonstrate with relevant documentary proof, that they have a functional			The applicant shall demonstrate with relevant documentary proof that they have a functional	

<p>economic requirement to live in this rural area and wish to build a home for their own use. This includes persons who:</p> <p>i) have existing occupational or employment related ties to the rural area, such as those involved in full-time agriculture, horticulture, forestry, as well as similar rural-based occupations, and where it can be adequately demonstrated to the satisfaction of the Planning Authority that it is their predominant occupation.</p> <p>or</p> <p>ii) can demonstrate their commitment to operate a full-time business from their proposed house in the rural area. The nature, viability, and location of any such business must be dependent on, and intrinsically linked to, the rural area. This must be supported by a business plan prepared by a suitably qualified and competent professional.</p>	<p>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.</p>
<p>Where an application for a rural house is being made on the basis of Category 1 or Category 2, the applicant shall also demonstrate:</p> <p>a) compliance with all normal siting and design considerations (Refer also to Policy RH P6); and,</p> <p>b) that they do not own or have not been previously granted permission for a single house in the countryside in County Carlow and have not sold this house to an unrelated third party, save in exceptional circumstances</p>	

6.5.3. Policies relevant to the appeal are as follows:

- **Rural Housing Policy Zones and Criteria RH. P1** - *Manage the demand for single houses in the countryside of County Carlow in accordance with the Rural Housing Policy Zones shown on Map Ref. 3.2 and the corresponding criteria listed in Section 3.16.2. Documentary proof of compliance with the criteria listed must be submitted with a planning application.*
- **Occupancy RH. P2** - *Restrict the occupancy of a rural house as a permanent place of residence for a period of 7 years to the applicant/occupant who demonstrate compliance with the rural housing policy criteria.*

- **Speculative Rural Housing RH. P3** - *Not permit speculative rural housing in the countryside, and to restrict rural housing on a landholding where there is a history of the speculative sale of sites, notwithstanding an applicant's compliance with rural housing policy criteria.*
- **Local Exceptional Circumstances RH. P4** - *Recognise that local exceptional circumstances may require a person to live in a particular location. This includes (i) exceptional health needs, where supported by relevant documentation from a registered medical practitioner, or (ii) exceptional personal needs such as the requirement to sell a rural house on foot of a court order (e.g. following a divorce or legal separation), where supported by relevant documentation from a registered legal practitioner.*
- **Siting and Design RH. P6** - *Ensure, in addition to the requirement to comply with the rural housing policy criteria, that applicants demonstrate compliance with all normal siting and design requirements. The siting, layout and design of a new rural house shall appropriately integrate with its physical surroundings, including the natural and built heritage of the area, taking account of:*
 - i) *The Rural Housing Design Guidelines in Chapter 13.*
 - ii) *The character, sensitivity and capacity of the County's landscape as detailed in Chapter 9.*
 - iii) *The capacity of the area to absorb further development, taking account of the extent of existing development in the area, the extent of ribbon development in the area, the degree of existing haphazard or piecemeal development in the area, and the degree of development on a single original landholding.*
 - iv) *The protection and preservation of features in the landscape that contribute to local distinctiveness, attractiveness, and ecology, and which can assist in visually absorbing rural housing into its countryside. These features include hedgerows, trees, sod/stone banks and stone walls, historic and archaeological landscapes, water bodies, ridges, skylines, topographical features and important views and prospects. Recessed development located / set back into the landscape away from the public road may be considered where the siting is appropriate to the rural context and provides for the protection of environmental, visual and residential amenities.*

- v) *The ability to provide a safe vehicular entrance in accordance with Transport Infrastructure Ireland publications (Refer Section 16.10.7) and without the need to remove an extensive amount of hedgerow or trees to achieve sightlines.*
- vi) *The ability of a site to accommodate an on-site wastewater treatment system in compliance with the EPA Code of compliance with the 2021 EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses p.e. ≤ 10.*
- vii) *The ability of a site to accommodate an appropriate on-site surface water management system in accordance with Carlow County Council SuDS Policy and the 'SuDS Manual' CIRIA C753.*
- viii) *The need to comply with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities DoEHLG and OPW (2009).*
- ix) *The need to comply with the Spatial Planning and National Roads Guidelines for Planning Authorities DECLG (2012).*
- **Infill (Gap) Sites RH. P11** - *Give consideration to single housing on infill (gap) sites in a continuous line of existing houses with road frontage, provided the character, scale, layout, design, building line etc. of the existing pattern of development along the road frontage is respected, and subject to compliance with normal siting and design requirements. To qualify as an infill (gap) site it must be adjoined on either side by a fully built and occupied dwelling/residential property.*

6.6. Natural Heritage Designations

- 6.6.1. The appeal site is not located in or immediately adjacent to a European Site.

6.7. EIA Screening

- 6.7.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 Grounds of Appeal

7.1.1. There are 2 no third party appeals that may be summarised as follows:

7.1.2. *Robert Keenaghan*

- **Proximity to Western Boundary** - Appellants property is located immediately to the west of the appeal site. Proposed dwelling is less than 5m from the eastern gable of the appellant's house. revised drawings indicate a distance of 2.5m from the gable of the proposed dwelling to the western boundary. Separation distances proposed are inappropriate and will have a negative impact on the appellants rear amenity space by reason of overshadowing.
- **Roof Lights** – Queried by it is necessary install rooflights in a single storey dwelling.
- **Water Supply** – Reference is made to the conclusions set out in the Hydrogeological Report. The GSI groundwater recharge values used in the calculations are maximum values. Noted that the report states that any future negative impact on water supply due to climate events would happen even if the new well was not drilled. Submitted that the new well would further increase the potential negative impact on water supplies in the existing wells in such circumstances. Concern also raised that should the depth of the proposed well extend below the depth of appellants well it will have a detrimental impact on water supply. Concern also raised that drilling for the new well will likely disturb soil resulting in dirt being introduced to water supply and pumping equipment.
- **Traffic Hazard** – Proximity of the proposed vehicular access immediately adjacent to existing vehicular access to the east of the appeal site represents a potential traffic hazard.

7.1.3. *Sharon Cusack*

- **Water Supply** - Proximity of proposed dwelling to applicants well (23m) and neighbours well will have an adverse impact on well water levels. Noted that Hydrogeological Report came back inconclusive as to water supply and recharge rates. This is concerning having regard to climate change.

7.2. Applicant Response

7.2.1. The first party response to the appeal may be summarised as follows:

- Reference is made to the previous appeal ABP-314874-22 where the Inspector was satisfied that the scheme was consistent with the Carlow County Development Plan 2022-2028 including in relation to residential amenity, traffic, water supply and environmental impact. The only grounds for refusal were based on rural housing.
- **Rural Housing Need** - The applicant qualifies for Category 2 Functional Social Housing Zone 1 (Rural Area Under Urban Influence). Submitted that Milltown is the old name and in newer maps its now referred to as Ballykilduff Upper. The applicant has grown up at Milltown (Ballykilduff Upper) for more than 15 years consecutively. They went to Ballyconnell NS, Tullow Community School and Carlow IT. Letters, bus pass and ID provided. The applicant currently lives in the family home at Milltown. The applicant wishes to remain in the area to care for a parent. The applicant owns the appeal site at Bellmount and it is stated as c6km from their parent's house and under the 8km required. Map provided. The applicant states that they have no home, and this is there first planning application.
- **Policy RH P6** - The proposed dwelling is a simple design that would be built on the natural level of the existing landscape. A landscape plan is submitted.
- **RH P11** – The proposed house is an infill (gap) site and is a type of rural housing that is open for consideration.
- The submission was accompanied by a number of documents including Qualifying Criteria for Rural Housing in the Countryside (form).

7.3. Planning Authority Response

7.3.1. Further to review of the appeal relating the Planning Authority has no further comments and their position remains as per the Planners report and recommendation.

7.4. Observations

7.4.1. None

7.5. Further Responses

- 7.5.1. **Robert Keenaghan** - Submitted that there are a number of inaccuracies within the applicant's submission. The Board is asked to carefully examine the applicant's submissions to ensure that the qualifying criteria have been fully complied with.
- 7.5.2. **Sharon Cusack** – Submitted that there are inaccurate details in the first party's response to the appeal.

8.0 Assessment

- 8.1. This assessment is based on plans submitted to the Planning Authority on the 18th December 2021 as amended by unsolicited information submitted on 28th January 2022 and further information submitted on the 11th August 2022 together with details and particulars submitted to An Bord Pleanála.
- 8.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:
- Principle
 - Residential Amenity
 - Water Supply
 - Other Issues
 - Appropriate Assessment

8.3. Principle

- 8.3.1. The rural settlement policy for Carlow is set out in Chapter 3 (Housing) of the Carlow County Development Plan 2022 – 2028. Section 3.16 Single Housing in the Countryside (Map 3.2: Rural Housing Policy Zones) identifies the appeal site as being within Rural Area Type Zone 1 - Rural Areas Under Urban Influence where a single house in the country side shall be considered for the permanent occupation of an applicant in Rural Areas Under Urban Influence where compliance with the criteria listed for Category 1 (Economic Need) or Category 2 (Social Need) can be

demonstrated as detailed in Table 3.5. It is stated that compliance with only one of the Categories must be demonstrated. Relevant sections of the Development Plan are set out in Section 5.5 above.

- 8.3.2. The applicant is seeking compliance with Category 2 (Social Need). I note from the appeal file that the owner of the site is the applicant's uncle. The planning application was accompanied by a letter of consent from the owner of the site consenting to his niece applying for planning permission on his lands at Bellmount. It is further stated in the planning file that the applicant wishes to live close to their elderly parent.

Rural Housing Policy Zone 1 Rural Areas Under Urban Influence	
Category 2 Criteria for Functional Social Requirement	Applicants Compliance
<i>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.</i>	<ul style="list-style-type: none"> ▪ The applicant has grown up at Milltown (Ballykilduff Upper) for more than 15 years consecutively. They went to Ballyconnell NS, Tullow Community School and Carlow IT. Letters, bus pass and ID provided. ▪ The applicant currently lives in the family home at Milltown. The applicant wishes to remain in the area to care for an elderly parent. ▪ The applicant owns the appeal site at Bellmount that is c6km from their parent's house and under the 8km required. Map provided. ▪ The submission was accompanied by a number of documents including Qualifying Criteria for Rural Housing

	in the Countryside (form) the contents of which has been noted..
<p><i>Where an application for a rural house is being made on the basis of Category 1 or Category 2, the applicant shall also demonstrate:</i></p> <p><i>a) compliance with all normal siting and design considerations (Refer also to Policy RH P6); and,</i></p> <p><i>b) that they do not own or have not been previously granted permission for a single house in the countryside in County Carlow and have not sold this house to an unrelated third party, save in exceptional circumstances</i></p> <p style="text-align: center;">Applicants Compliance</p> <p>a) Siting and Design RH P6 - The proposed dwelling complies with normal siting and design requirements as set out in the Development Plan, the siting, layout and design will integrate with its physical surroundings and subject to suitably worded conditions regarding access, road side boundary treatment, landscaping, surface water and wastewater treatment I am satisfied that the scheme complies with Policy RH P6.</p> <p>b) The applicant states that they have no home, and this is there first planning application.</p>	

8.3.3. Having regard to the information submitted in relation to the application and the appeal, to the location of the site in an area under Urban Influence, and to the provisions of Table 3.5 – Rural Housing Policy Zone 1 Categories and Criteria of the Carlow County Development Plan 2022-2028, the applicant has demonstrated that she fulfils the criteria for One Off Rural Housing. No issues in this regard arise.

8.4. Residential Amenity

- 8.4.1. Concern is raised in the appeal with regard to the proximity of the scheme to the shared western boundary and the eastern gable of the adjoining dwelling house.
- 8.4.2. Having regard to the location, orientation, set back and detailed gable design and scale of the proposed dwelling I am satisfied that the proposed scheme would not have such a significant detrimental impact on the residential amenities of the adjoining property that would merit a refusal in this instance.

- 8.4.3. In addition, I refer to the to the landscape plan and details submitted. While it will take some time for the scheme to come to fruition, I am satisfied that it will negate an potential negative impacts on the appellants residential amenities. Should the Board be minded to grant permission it is recommended that a condition be attached requiring that any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.
- 8.4.4. I note the concerns with regard ot the proposed roof lights and their necessity in a single storey dwelling. In line with the approach taken by the planning authority I am satisfied that should the Board be minded to grant permission that this matter can be dealt with by means of a suitably worded condition restricting the use of this attic space to storage use only.

8.5. Water Supply

- 8.5.1. Concern is raised with regard to the proliferation of wells and the adverse impact of the proposed additional well on existing well water levels. Further concern is raised that the Hydrogeological Report came back inconclusive as to water supply and recharge rates and that drilling for the new well will likely disturb soil resulting in dirt being introduced to water supply and pumping equipment. According to the Hydrogeology Report there are generally few wells in the surrounding area, save for the two wells in close proximity to the proposed well.
- 8.5.2. The Carlow County Council Environment Engineers report of 30th August 2022 stated that *the applicant has provided a detailed hydrological study indicating that the proposed well will not have a detrimental effect on the existing two neighbouring wells i.e. consulting report July 2022.*
- 8.5.3. I refer to the Hydrogeological Report submitted on 11th August 2023. The proposed development includes a dwelling with low water demand supplied by a proposed well in the north of the property. At the site groundwater flow is towards the southeast. The site is underlain by well drained soils, granite till subsoils, and granite bedrock. It has extreme groundwater vulnerability, where a site walkover confirms subsoil depths exceed 2.7mbgl. The site is located in the Ballyglass GWB and is in a locally important

aquifer with moderately productive bedrock with recharge of c.200mm/yr. The ZOC for the proposed development is 0.16 ha and will extend to the north of the site. The water balance confirms there is sufficient recharge in this ZOC to support this abstraction with a 50% factor of safety included. There are no other wells included in the proposed well's ZOC.

- 8.5.4. Due to close proximity to neighbouring wells, a ZOC was also calculated for the three wells combined. The ZOC (including a factor of safety) of 0.50 ha extends north of the site. The water balance confirms there is sufficient recharge in this ZOC to support this abstraction with a 50% factor of safety included. The ZOC for all three wells will interact, so there will be interference, but the ZOC will adjust, and there appears to be enough upstream recharge.
- 8.5.5. As stated in the Reports conclusions it is reasonable to assume that there is sufficient water in the aquifer to support the proposed well without negatively effecting neighbouring wells. There may be times of the year in the future, when the aquifer may struggle due to extreme climatic events, but as stated in the report this would impact existing wells, even if the new well was never drilled.
- 8.5.6. Having regard to the information on file together with the report Environment Engineers I am satisfied that subject to appropriate conditions, this development can be adequately served by a well without significant compromise to adjoining wells.

8.6. Traffic Hazard

- 8.6.1. I note the concerns raised in the appeal that the proximity of the proposed vehicular access immediately adjacent to existing vehicular access to the east of the appeal site represents a potential traffic hazard.
- 8.6.2. I refer to the report of the Carlow County Council Area Engineer where it is stated that the proposal will not affect traffic in the area. Taken together with my site inspection I am satisfied that the site entrance is adequate to serve the proposed development and that subject to the implementation of the measures outlined in the application together with the conditions as recommended by the Area Engineer that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network.

8.7. Other Issues

- 8.7.1. **Development Contributions** – I refer to the Carlow County Council Development Contribution Scheme 2017 – 2021 (Adopted 13th February 2017 Revised on 1st January 2023). The development is not exempt from the requirement to pay a development contribution. It is recommended that should the Board be minded to grant permission that a suitably worded Section 48 Development Contribution condition be attached.
- 8.7.2. **Conditions** – Conditions of note are addressed in the foregoing assessment. No further bespoke conditions were attached by the Planning Authority.

8.8. AA Screening

- 8.8.1. Having regard to the nature and scale of the proposed development comprising a residential development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason.

10.0 Reasons and Considerations

- 10.1. Having regard to the policy and objectives as set out in the Carlow County Development Plan 2022-2028, including the Rural Housing Policy, the established pattern of development in the area and the nature, scale and design of the proposed development it is considered that, subject to compliance with the condition set out below the proposed development would not seriously injure amenities of the area or property in the vicinity and would be acceptable in terms of public health and traffic

safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th December 2021, 28th January 2022 and the 11th August 2022, 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 [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>a) The use of the garage shall be for private domestic use only, solely for purposes incidental enjoyment of the dwelling house and not used for commercial, trade or industrial purposes or human habitation.</p> <p>b) The use of the attic space of the proposed dwelling shall be confined to storage only. Any conversion to habitable space shall only occur after a separate planning permission has first been obtained.</p> <p>Reason: In the interest of residential amenity and in the interest of proper planning and sustainable development of the area.</p>
4.	<p>The landscaping scheme, as submitted to the planning authority and An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>a) The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.</p> <p>b) The existing front boundary shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.</p> <p>Reason: In the interest of traffic safety and visual amenity.</p>
6.	<p>Site development and building works shall be carried out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 13.00 on Saturdays and not at all on Sundays and public holidays. Deviation from</p>

	<p>these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
7.	<p>a) 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>b) The external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<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 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 traffic safety and to prevent flooding or pollution.</p>
9.	<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>
10.	<p>a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on [date] and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p>

	<p>b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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.

Mary Crowley

Senior Planning Inspector

27th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319876			
Proposed Development Summary	single storey dwelling, single storey garage, septic tank & percolation area, new bored well, new domestic entrance and all associated site works			
Development Address	Bellmount, Clonmore, Hacketstown, Co. Carlow			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No X	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No

Preliminary Examination required

Yes

Screening Determination required

Inspector: _____

Mary Crowley SPI

Date: _____

27th September 2024