



An  
Bord  
Pleanála

**Board Direction  
PL10.248579**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on October 31<sup>st</sup> 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the established use of the site for residential purposes, the pattern of development in the area and the policies of the current Kilkenny Co Development Plan, which facilitates the replacement of existing houses in rural areas, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the visual or residential amenities of the area, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. 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 13<sup>th</sup> day of March 2017, and the 18<sup>th</sup> day of April 2017, 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. The existing dwelling on the site shall be demolished in its entirety prior to the commencement of construction of the proposed replacement house.

**Reason:** In the interests of clarity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. A method statement for the removal of the existing septic tank on the site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development on the site.

**Reason:** In the interests of public health and to ensure a proper standard of development on the site.

4. All service cables associated with the proposed development, including electrical and telecommunications services, shall be placed underground throughout the site.

**Reason:** In the interest of visual amenity.

5. Details of the materials, colours and textures of all of the external finishes to the proposed development including front door and windows shall be

submitted to, and agreed in writing with the planning authority, prior to commencement of development. The roof colour shall be blue-black or slate grey in colour only, including ridge tiles.

**Reason:** In the interests of visual amenity.

6. as PA condition no. 5.

**Reason:** In the interests of visual amenity and traffic safety.

7. The site shall be landscaped in accordance with the landscaping scheme submitted to the planning authority on March 13<sup>th</sup>, 2017. Existing hedgerows along the site boundaries shall be maintained and augmented by additional planting. The beech hedging along the north-eastern boundary shall be planted continuously and in a double row. A continuous double row of hedgerow shall also be provided inside the new front boundary wall, comprising indigenous species such as holly, hawthorn, field maple, beech etc.). A minimum of 8 no. native indigenous trees (not dwarfed) shall be included in the landscaping of the site. Cupressocyparis x leylandii shall not be used in any part of the site.

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 5 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.

**Reason:** In the interests of residential and visual amenity.

8. (a) The proposed effluent treatment system 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, 2009. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) treated effluent shall be discharged to a raised percolation area constructed from imported fill with a suitable T value and depth to ensure adequate attenuation of the effluent prior to discharge to ground. The percolation area shall be provided in accordance with the requirements of the Wastewater Treatment and Disposal Systems Serving Single House (EPA Code of Practice 2009). Surface water drains shall be constructed up-gradient of the treatment system to prevent ingress of surface water.

(e) Within three months of the commissioning into use of the effluent treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with an agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

11. 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.

**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.

**Board Member**

**Date:** 1<sup>st</sup> November 2017

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Philip Jones