

An  
Bord  
Pleanála

**Board Direction**  
**BD-011789-23**  
**ABP-311434-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/02/2023.

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 national policy for rural housing as set out in the National Planning Framework (2018) and the Sustainable Rural Housing Guidelines for planning authorities (2005) together with the provisions of the Clare County Development Plan 2018 – 2023 and the demonstrable need for a dwelling house as part of the farming of the associated lands in the applicant's ownership, it is considered that, subject to conditions, the proposed development of the site for residential use ancillary to the farming activity and as revised in further information, would be acceptable in principle. Furthermore it is considered that the additional residential traffic likely to be generated by the addition of a dwelling for the applicant would be negligible and that subject to the proposed upgrading works prior to the commencement of the house construction work and in accordance with the requirements of the county council, the proposed development would not constitute a traffic hazard and would otherwise be acceptable in terms of residential amenity. The proposal 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 submitted on the 5th day of July 2021 and by the particulars received by An Bord Pleanála on the 14th day of October 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

- 2 (a) The proposed development 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 least seven years thereafter. Prior to commencement of the 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.

(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 of the occupation of the dwelling by any person deriving title from such sale.

**Reason:** To ensure that the proposed house is used to meet the applicants' stated housing needs and that development along this road in this rural area

is appropriately restricted in the interest of proper planning and sustainable development of the area.

- 3 No development shall commence on site until the access road serving the site has been upgraded to the satisfaction of the planning authority. Full details of all proposed road upgrade works (which shall be carried out in conjunction with the Killaloe Municipal District Office) shall be submitted to and agreed with the planning authority prior commencement of development on site.

**Reason:** In the interest of traffic safety and orderly development.

- 4 The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) Retention of trees and hedges as indicated in the submitted site layout plan on 5<sup>th</sup> August 2021 and measures to ensure same,
  - (b) The establishment of a hedgerow along all side and rear boundaries.Any plants which are removed, die or become seriously damaged or diseased within a period of 5 years of the completion of the development shall be replaced within the next planting season with others of a similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape in the interest of visual amenity.

- 5 At least one month prior to commencement of works the applicant shall submit a detailed survey and if required a management plan to deal with Invasive Weed Species identified as being present in the vicinity of the site access road. The Invasive Weed Species Management Plan shall be



prepared by a relevant competent environmental consultant and shall be submitted to the planning authority for prior written agreement.

**Reason:** To prevent the spread of invasive species in the interest of biodiversity.

- 6 All public service cables for the development, including electrical and telecommunications cables shall be located underground throughout the site.

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

- 7 (a) The proposed effluent septic system shall be 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. 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.
- (b) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided 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.
- (c) 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 raised percolation area has been constructed in accordance with the standards set out in the EPA document.

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

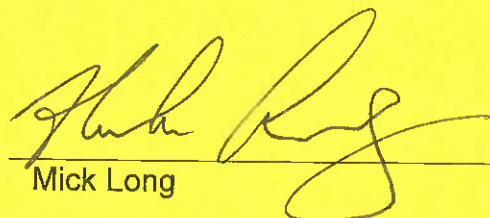
- 8 Water supply and drainage arrangements for the site, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard details for the protection of ground and surface water from contamination by run-off from the site shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

**Reason:** In the interests of the environmental protection

- 9 The developer shall pay to the planning authority a financial contribution of €7,249 (seven thousand, two hundred and forty-nine euro) 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. The application of any indexation required by this condition 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.

**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**

  
Mick Long

**Date:** 14/02/2023

