

An
Bord
Pleanála

Board Direction
BD-013321-23
ABP-313754-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/07/2023.

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 the provisions of the Louth County Development Plan 2021-2027, the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021), the nature, design, and location of the proposed development, and the type of development in the surrounding vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development 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 proposed 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 29th day of April, 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 proposed

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed extension for an independent living unit shall be used solely for that purpose and shall revert to use as part of the main dwelling on the cessation of such use.

Reason: To protect the amenities of property in the vicinity.

3.
 - (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled the 'Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021)'. No system other than the type proposed in the submissions 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) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
 - (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the 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.

4. Surface water drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to commencement of development.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

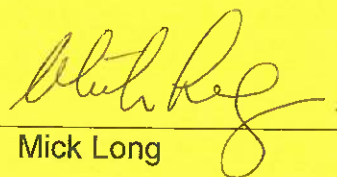
6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

Note

In relation to the concerns raised about legal interest, the Board noted the provisions of Section 34(13) of the Planning and Development Act, as amended which provides that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

Board Member


Mick Long

Date: 21/08/2023

