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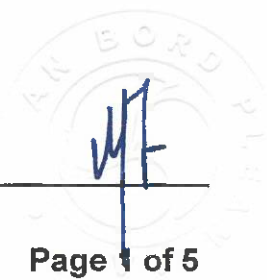
**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 21/05533**

**Appeal** by Simon and Maria Butler care of Hazel McCarthy Planning of 4 Sydenham Terrace, Monkstown, County Cork against the decision made on the 11<sup>th</sup> day of October, 2021 by Cork County Council to grant subject to conditions a permission to Oliver and Mary McCarthy of North Cregg, Fermoy, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for retention for extension to existing dwelling as constructed and for reconstruction of retaining wall and for set back fence to southern boundary and all associated works all as constructed on site at North Cregg, Fermoy, County Cork. A further public notice was received by the planning authority on the 14<sup>th</sup> day of September, 2021 as follows: proposed new wastewater treatment unit and all associated site works.



## **Decision**

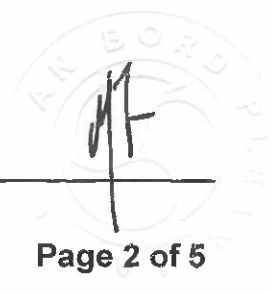
**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the provisions of the Cork County Development Plan 2014, the established residential use and the planning history of the site, the pattern of development in the vicinity and the scale of the development as proposed, it is considered that the extension and works proposed for retention, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.



## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further particulars submitted on the 16<sup>th</sup> day of August 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. The existing dwelling and extension for retention shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

3. The developer shall comply with all of the conditions of the previous grant of permission for development at the site, planning authority reference 20/05096 save for amendments made by this application.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

4. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of this grant of planning permission, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

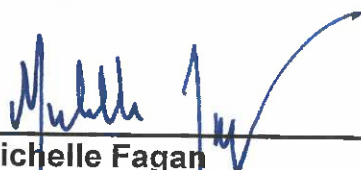
**Reason:** In the interest of public health.

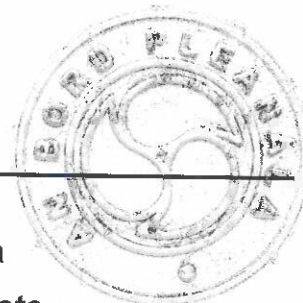
5. The existing septic tank system shall be decommissioned and removed, or cleaned out and backfilled with selected granular fill to the satisfaction of the planning authority.

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

6. 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 within three months of the date of this Order 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.

  
Michelle Fagan  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.



Dated this 9<sup>th</sup> day of March 2022.