



An
Bord
Pleanála

Board Order
ABP-312536-22

Planning and Development Acts 2000 to 2021

Planning Authority: Carlow County Council

Planning Register Reference Number: 21/181

Appeal by Brendan Hogan care of PDS and Associates of Lismard House, Tullow Street, Carlow against the decision made on the 13th day of December, 2021 by Carlow County Council to grant subject to conditions a permission consequent on a grant of outline permission to Patrick O'Brien care of Peter Bolger Consulting Limited of Newton House, Bachelors Walk, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission consequent on the grant of outline permission (planning register reference number 19/476) for a dormer style dwelling, on-site wastewater treatment system and all associated site development works at Ballykealey Lane, Ballon, County Carlow.

Decision

GRANT permission consequent on a grant of outline 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.

Reasons and Considerations

Having regard to An Bord Pleanála appeal reference number ABP-308147-20, the nature of the proposed development, the pattern of existing development in the area, the location of the site, and to the provision of the Carlow County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would not conflict with the objectives of the development plan. The proposed development 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 16th day of November, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. All relevant conditions attached to the grant of outline planning permission associated with the subject site (An Bord Pleanála appeal reference number ABP-308147-20 refers) shall be strictly adhered to.

Reason: In the interest of residential amenity.

3. The proposed development shall be amended as follows:
 - (a) Details of the front boundary treatment shall be amended such that the wings walls at the entrance shall be 1.1 metres high and shall comprise natural stone or alternatively a timber post and rail fence, with details in relation to the materials and finishes to the entrance gate to be agreed in writing with the planning authority.
 - (b) A 10-metre biodiversity protection (buffer) zone measured from the top bank of Ballaghmore Distributary/Stream along the southern boundary of the site shall be maintained free from development.
 - (c) Sightlines at the vehicular site entrance shall be as per the requirements of the Design Manual for Urban Roads and Streets and to the satisfaction of the planning authority.

Reason: In the interest of proper planning and sustainable development and to safeguard the amenities of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.



5. (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, 2009.
- (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.

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.

7. All public service cables associated with the proposed development (such as electrical, television, telephone and broadband cables) shall be located underground within the site.

Reason: In the interest of visual and residential amenity, and of sustainable development.

8. Site development works and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

9. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. The CEMP shall incorporate the following details:

- (a) measures to avoid any pollution through surface water run-off or accidental discharges during the construction of the proposed development reaching the Ballaghmore Distributary/Stream,
- (b) intended construction practice for the proposed development,
- (c) a detailed traffic management plan,
- (d) noise management measures, and
- (e) off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

10. 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.



Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *12* day of *June* 2023.