

An  
Bord  
Pleanála

**Board Order**  
**ABP-312708-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Longford County Council**

**Planning Register Reference Number: 21/280**

**Appeal** by Declan Fagan of Aughnagarron, Granard, County Longford against the decision made on the 4<sup>th</sup> day of February, 2022 by Longford County Council to grant subject to conditions a permission to Patrick Rogers care of Cunningham Design and Planning Consulting Engineers of Block C, N4 Axis Centre, Longford, County Longford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a storey and a half type dwellinghouse, detached garage, alteration to existing agricultural entrance to also serve the proposed dwellinghouse, boundary fence/wall, suitable sewerage system with polishing filter and all ancillary site works at Mullinroe, Dring, County Longford.

## **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.**

## **Reasons and Considerations**

It is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the rural housing policies of the Longford County Development Plan 2021-2027, would not endanger traffic or impact on the amenities of the area, and would, otherwise, 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 20<sup>th</sup> day of January 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2. (a) The proposed dwelling, 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 at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of 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 or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. A schedule of materials to be used in the external treatment of the development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of development/conservation.

4. 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.  $\leq 10$ )" – Environmental Protection Agency, 2021.

Prior to the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the system has been installed in accordance with the standards set out in the Environmental Protection Agency document.

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

5. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water shall discharge onto the public road or adjoining properties.

**Reason:** In the interest of traffic safety and to prevent pollution.

6.
  - (a) The existing fenceline/boundary adjacent to the public roadway shall be removed as detailed below to achieve the required sightlines.
  - (b) The existing hedge/boundary fence between points A and B (on the site layout drawing) shall be removed and a new fence/boundary installed from a setback of three metres at Point A to the existing fenceline at Point B.

- (c) On the northern side of the proposed entrance the first 15 metres of fence from Point A shall be removed and set back three metres and the remaining fence/hedge line shall be set back as required to achieve the necessary sightline. On the opposite side of the road, the existing hedges that have been removed shall not be reinstated in a manner that would compromise the sightlines.
- (d) Vehicular access shall be restricted to one point only and splayed wing walls shall be provided at a 45 degree angles.
- (e) The area of ground between the edge of the existing public road and the line of the new boundary wall/fence shall be filled with a minimum depth of 450 millimetres suitable granular material and capped with clause 804 granular material type B, to a minimum depth of 200 millimetres, properly compacted. This filling shall slope away from the existing road edge at a minimum slope of 2.5% and particular care shall be taken to ensure that the storm water runoff from the area and the adjoining public road is disposed of within the site. This entire area shall be surfaced with a final layer of material, similar to the proposed driveway (and to the relevant Transport Infrastructure Ireland standards).

**Reason:** In the interest of traffic safety.

- 7. A drainage system shall be installed along the entire site frontage where the fenceline/boundary has been set back including a new outfall to an existing surface water drainage network or appropriate alternative. The new drainage system shall be constructed with concrete pipes of adequate internal diameter (minimum 300 millimetres), properly bedded, backfilled and laid to the correct grade. Two gullies with lockable gully grates, evenly spaced, shall be installed along this pipeline. Drainage

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channels (or similar suitable alternatives to be agreed with the planning authority), shall be installed across the new vehicular entrance.

**Reason:** In the interest of traffic safety.

8. Prior to commencement of development, the developer shall consult with the utility providers in relation to the two overhead lines which traverse the site.

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

9. All service cables associated with the proposed development shall be located underground.

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

10. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Eireann.

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

11. All necessary measures shall be taken by the developer to prevent any spillage or deposition of material on the adjoining or adjacent public road during the course of construction work.

**Reason:** In the interest of traffic safety.

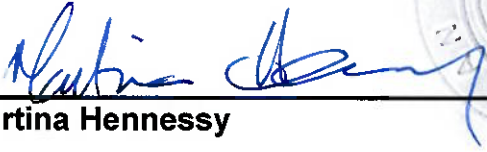
12. Any boundary landscaping shall utilise native Irish tree species.

**Reason:** To promote biodiversity.

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13. 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.

  
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**Martina Hennessy**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 11<sup>th</sup> day of October 2023.