

Planning and Development Acts 2000 to 2021

Planning Authority: Monaghan County Council

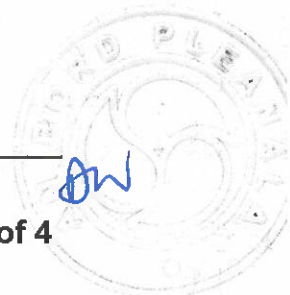
Planning Register Reference Number: 21/686

Appeal by Thomas McGuirk of Cornacreeve, Ballybay, County Monaghan against the decision made on the 18th day of February, 2022 by Monaghan County Council to grant subject to conditions a permission to PJ Murray care of Cunningham Design Associates of Thornford Lodge, Broomfield, Castleblaney, County Monaghan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey style dwelling house, new sewerage wastewater treatment system and new entrance onto public road and all associated site development works at Cornacreeve, Ballybay, County Monaghan.

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.



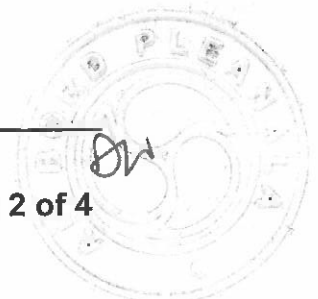
Reasons and Considerations

Having regard to the provisions of the Monaghan County Development Plan 2019-2025 and, in particular to policy RSP 3 which states that, in the 'remaining rural areas' of the county, rural housing proposals will be facilitated, subject to other relevant planning policies, and the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities (2005) and the National Planning Framework (2018), 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 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, 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 the 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. Water supply and surface water drainage arrangements, including the disposal of surface water, which shall incorporate SuDS measures, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

3. The vehicular access, including visibility splays, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.

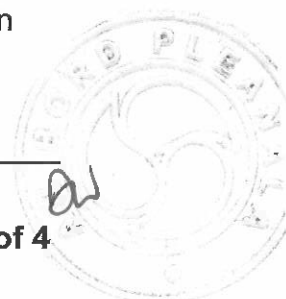
Reason: In the interest of traffic and road safety.

4. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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.



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 prior to the 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.



Dave Walsh

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

Dated this 22nd day of July 2022

