

Planning and Development Acts 2000 to 2021

Planning Authority: Laois County Council

Planning Register Reference Number: 22/13

Appeal by Michael Wood and Danusia Oslizlok care of Ger Fahy Planning of Mulhussey, Maynooth, County Kildare against the decision made on the 7th day of March, 2022 by Laois County Council to grant subject to conditions a permission to Philip Keegan care of Robert Nanasi of Derrydonnell North, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retain dwelling house with revised site boundaries, retain extension to agricultural shed, retain concrete hardstanding aprons and retain mobile home on site at Ballynalug, Rosenallis, Clonaslee, County Laois.

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

The proposed development, which substantially involves retention and completion of a development permitted under register reference 19/628, with alterations to provide a small additional floor area within the shed, a reduction in the site area, and temporary retention of minor structures and which would involve the provision of on-site accommodation for the service activity carried out by the resident of the dwelling, would be in accordance with the provisions of the Laois County Development Plan 2021 – 2027; and subject to compliance with the following conditions, would be in accordance with the proper planning and sustainable development of the area.

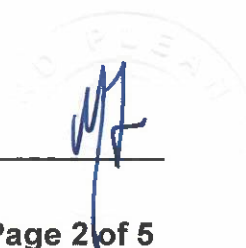
Conditions

1. The proposed development shall be retained, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall comply with all conditions of the parent application Register Reference Number: 19/628 save for amendments made by this application.

Reason: In the interest of clarity.



3. The shed shall be used for agricultural / agricultural contracting purposes only and shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming and ancillary to the dwelling on the site, whether or not such use might otherwise constitute exempted development.

Reason: In the interests of orderly development and the amenities of the area.

4. The mobile home and storage containers shall be removed from the site on completion of the proposed dwelling and prior to its occupation.

Reason: In the interests of orderly development and the amenities of the area.

5. The developer shall ensure that a clean, potable water supply is provided prior to first occupation, which complies with the EU (Drinking Water) Regulations, SI Number 122 of 2014, as amended. A map showing the location of the supply borehole shall be submitted to the planning authority.

Reason: In the interests of public health, residential amenity and proper planning.

6. (a) The proposed wastewater treatment system (WTS) 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 "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (b) All work shall be supervised and certified by a qualified and indemnified Engineer. A completion certificate shall be submitted to the planning authority upon installation and commissioning of the WTS and the percolation area. Photographic evidence of each stage of the works shall be included in the completion certificate submission.
- (c) The WTS shall be visually inspected on a periodic basis and de-sludging shall be carried out in accordance with Article 3 of SI Number 223 Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012 or as recommended by the systems manufacturer.

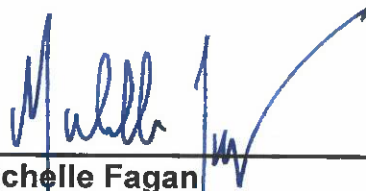
Reason: In the interest of public health and the protection of the environment.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

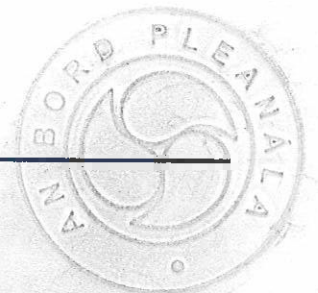
Reason: In the interest of orderly development.

8. 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.



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



Dated this 9th day of August 2022