



An
Bord
Pleanála

Board Order
ABP-315431-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/1095

Appeal by John Anthony Brabazon care of Thorsdalen Smyth Architects Limited of 25 Beach View, Sutton, Dublin against the decision made on the 29th day of November, 2022 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Disconnection of the existing foul and surface water drainage from the existing shared drainage line with Number 4 and Number 6 Kilruddery Cottages which runs through the site, and the installation of new independent treatment system and percolation area for Number 1 and Number 3 Kilruddery Cottages. Existing foul drainage line for Number 4 and Number 6 Kilruddery Cottages will remain active. Installation of new surface water soakaway to serve Number 1 and Number 3 Kilruddery Cottages. All associated landscaping, drainage, ancillary site works and services. All at Number 1 and Number 3 Kilruddery Cottages, Windgates, Bray, County Wicklow.

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 Wicklow County Development Plan 2022 - 2028 (as varied), to the location of the proposed development within a cluster of rural houses at the periphery of a rural node, to the relatively small scale nature of the proposed development in the context of the appeal site and to the prevailing pattern and vernacular character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health and would, therefore, 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 submitted on the 13th day of October, 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. Neither dwelling shall be individually sold or otherwise transferred or conveyed, save as part of the overall site unless otherwise agreed in writing with the planning authority.

Reason: In order to comply with policy objective CPO 13.17 of the Wicklow County Development Plan 2022 - 2028 (as varied) and in the interest of public health.

3. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 13th day of October, 2022, and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (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 date of installation 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 installation of the system, 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.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.



Joe Boland

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

Dated this 5TH day of April 2024.