

An
Bord
Pleanála

Board Order ABP-315697-23

Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 22/427

Appeal by Tony Durnon of Moykieran, Carrickmacross, County Monaghan against the decision made on the 10th day of January, 2023 by Monaghan County Council to grant subject to conditions a permission to Gerard and Angela McKeown care of Finegan Jackson Building Surveyors Limited of The Stables, Drumconrath Road, Carrickmacross, County Monaghan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a single storey dwellinghouse, domestic garage, wastewater treatment system and percolation area, new site entrance, boundary fencing and all associated site development works, all at Mason Lodge, Carrickmacross, 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.

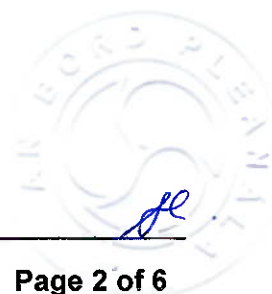
Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development of a dwellinghouse in an area designated 'Remaining Rural Area' and outside of an area that is defined as being 'under strong urban influence' would be acceptable in principle having regard to the provisions of the Monaghan County Development Plan 2019-2025, would not detract from the visual or residential amenities of the area or of property in the vicinity, would be in keeping with the pattern of development in the area, and would not be prejudicial to public health. 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 9th day of December, 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 proposed development shall be carried out and completed in accordance with the agree particulars.

Reason: In the interest of clarity.



2. The detailed treatment of the splayed entrance, gates, road boundary set-back and roadside area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed details shall be strictly adhered to thereafter in the development.

Reason: In the interest of traffic safety.

3. 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. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of public health and traffic safety.

4. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

5. All landscaping works shall be completed within the first planting season following commencement of development in accordance with the details received by the planning authority on the 9th day of December, 2022. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

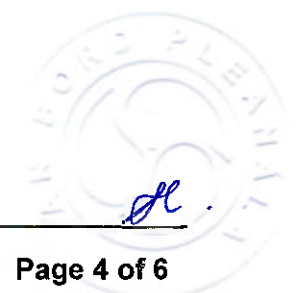
Reason: In the interest of biodiversity and the visual and residential amenity of the area.

6. Prior to commencement of development, an Invasive Species Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall set out management procedures to deal with Japanese Knotweed in particular.

Reason: In the interest of biodiversity.

7. (a) The proposed effluent treatment and disposal system 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 – Domestic Wastewater Treatment Systems (p.e. ≤ 10)" – The Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) 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 in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.



8. The proposed garage shall be used solely for purposes incidental to the enjoyment of the dwellinghouse and not for any industrial, business or commercial purposes.

Reason: In the interest of the visual and residential amenities of the area.

9. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.



11. 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.



Stewart Logan

Member of An Bord Pleanála

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

Dated this *13* day of *February* 2024.