

An  
Bord  
Pleanála

**Board Order**  
**ABP-316031-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P22/519**

**Appeal** by Michael Curtis care of Aiden Fitzgerald Engineering Limited of Doolin, County Clare against the decision made on the 20<sup>th</sup> day of February, 2023 by Clare County Council to refuse outline permission for the proposed development.

**Proposed Development:** Outline planning permission for a dwellinghouse with proprietary wastewater treatment system and percolation area together with ancillary site works at Toormore, Ruan, County Clare.

## **Decision**

**GRANT** outline 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 location of the site within the development boundary of the village of Ruan and the pattern of existing and permitted development in the vicinity, it is considered that the proposed development would be in accordance with the stated provisions of the current Clare County Development Plan 2023-2029. It is also considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area or seriously injure the visual or residential amenities of the area. The proposed development 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 lodged on the 24<sup>th</sup> day of January, 2023, 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. An application for permission consequent to this grant of outline planning permission shall be made not later than three years beginning on the date of the grant of this grant of outline permission

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

3. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:
- (a) details of the proposed dwelling,
  - (b) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways, entrance, and wastewater treatment system,
  - (c) the finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance,
  - (d) proposals for the landscaping of the site (including planting) and boundary finishes, and
  - (e) details of external finishes.

**Reason:** To enable the application for permission consequent to be fully assessed.

4. (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 14<sup>th</sup> day of June, 2022 and as revised by details submitted to the planning authority on the 24<sup>th</sup> day of January, 2023, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2021 subject to the following amendment as specified in (b).

- (b) The percolation system shall provide for a 1200 millimetres soil depth with an appropriate sand filter medium below the invert level and the percolation area shall not be excavated below a depth of 700 millimetres of the existing ground level and shall be installed in accordance with a secondary treatment system with pumped discharge to a raised bed soil filter designed in an accordance with section 8.1.1 and sized in accordance with Table 10.1 (option 2) of the EPA Code of Practice.
- (c) No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (d) 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.
- (e) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse 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.
- (f) 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.

- (g) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Details to comply with the requirements of this condition shall be submitted in a permission consequent to this grant of outline planning permission.

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

5. The developer shall enter into a water connection agreement with Uisce Éireann.

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

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interests of public health and traffic safety.

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

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

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

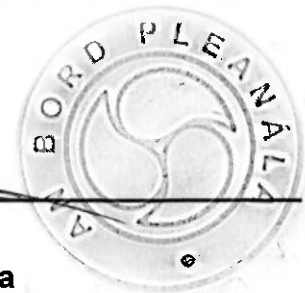
**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. 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.

  
**Liam Bergin**

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



**Dated this 05<sup>th</sup> day of March 2024.**