

An  
Bord  
Pleanála

## Board Order ABP-316216-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Roscommon County Council**

**Planning Register Reference Number: 22/511**

**Appeal** by Deirdre Nolan of Cleaheen, Cootehall, Boyle, County Roscommon against the decision made on the 14<sup>th</sup> day of March, 2023 by Roscommon County Council to grant subject to conditions a permission to Derek McGuinness and Sarah Hackett of Cleaheen, Boyle, County Roscommon in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a dwellinghouse, domestic garage, entrance, wastewater treatment system and polishing filter, together with all ancillary site works and services, all at Cleaheen, Boyle, County Roscommon, as revised by the further public notices received by the planning authority on the 16<sup>th</sup> day of February, 2023.

### Decision

**GRANT** permission for the above proposed development in accordance with the said plans and particulars for 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 a Remaining Rural Area, as set out in the Roscommon County Development Plan 2022-2028, and the policies and objectives and the development standards in the development plan, it is considered that, subject to compliance with the conditions set out below, the applicants have demonstrated compliance with the Rural Housing provisions, specifically policy objective PPH 3.13 as set out in the development plan in terms of suitable siting and design in accordance with the Roscommon Rural Design Guidelines. The proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would be acceptable in terms of traffic and public health, 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, as amended by the further plans and particulars received by the planning authority on the 31<sup>st</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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The entrance shall be as set out in the Site Layout Plan drawing received by the planning authority on the 31<sup>st</sup> day of January, 2023. Final details of the roadside boundary wall set back within the red line application site boundary and the section of roadside boundary within the land holdings east and west of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

3. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

4. 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 public health.

5. Prior to commencement of development, the developer shall enter into a water connection agreement(s) with Uisce Éireann.

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

6. (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 - Wastewater Treatment and Disposal Systems Serving Rural Dwellings (p.e.  $\leq 10$ ) – 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 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 raised percolation area is constructed in accordance with the standards set out in the EPA document.

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

7. 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 or 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 amenities of property in the vicinity.

8. 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 and residential amenity.

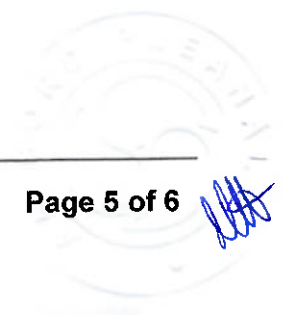


9. The proposed domestic garage shall be used for domestic storage purposes ancillary to the proposed dwelling and shall not be used for any commercial or habitable use without a prior grant of planning permission.

**Reason:** In the interest of proper planning and sustainable development.

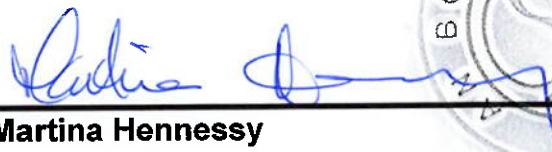
10. Landscaping shall be undertaken in accordance with the details contained on the site layout received by the planning authority on the 31<sup>st</sup> day of January, 2023 in the first planting season following occupation of the dwelling. Planting shall include the provision of native species landscaping along lateral boundaries and the rear site boundary. All existing hedgerows on the lateral boundaries and within the site shall be protected during construction and shall be retained thereafter. Any vegetation that becomes damaged or diseased shall be replaced in 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 residential and visual amenities.



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.



**Martina Hennessy**

**Member of An Bord Pleanála**

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



Dated this 16<sup>th</sup> day of July 2024.