



An
Bord
Pleanála

Board Order
ABP-317221-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/961

Appeal by Clement Wilson of The Steading, Drummin East, Delgany, County Wicklow against the decision made on the 2nd day of May, 2023 by Wicklow County Council to grant permission subject to conditions to Conor Doyle care of Orla O'Callaghan Architects of Studio 14, Kilteragh Pines, Foxrock, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: New single storey family home to include a new vehicular access off an existing laneway together with new bored well, new wastewater treatment unit and soil polishing filter to Environmental Protection Agency 2021 standards and all associated site works at Drummin East, Delgany, 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 plans submitted and reports on file, the Board considered that the proposed development, subject to compliance with the conditions set out below, could be assimilated into the landscape, would not give rise to a traffic hazard or impact on public health, and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the applicant complied with Policy Objective CPO 6.41 of the Wicklow County Development Plan 2022-2028, having demonstrated a functional social need in accordance with the requirements set out in Table 6.3 of the development plan.

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 6th day of April, 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. (a) The proposed dwelling when completed shall be first occupied as a place of permanent residence by the applicant and shall remain so occupied for a period seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who comply with the provisions of the Settlement Strategy for Rural Areas as set out in the Wicklow County Development Plan 2022-2028. This requirement shall be embodied by a legal undertaking that shall be registered as a burden against the title of the land in the Land Registry or Registry of Deeds and shall be of seven years duration from the date of the first occupation. Evidence of this registration shall be submitted to and agreed in writing with the planning authority within six months of the date of occupation of the dwelling.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority, a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.
- (c) The planning authority will consent to any sale of the completed dwelling by a lending institution in exercise of its powers as Mortgager in possession of this property and likewise consent to any sale by any person deriving title from the lending institution.

Reason: To ensure that the proposed dwelling is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in accordance with the rural settlement strategy, to protect the rural landscape, and in the interest of proper planning and sustainable development.

A handwritten signature in black ink is located in the bottom left corner. Behind it is a faint, circular official stamp or seal, which is mostly illegible but appears to contain some text around its perimeter.

1. The effluent disposal system shall be laid out as proposed and constructed to the specification of Domestic Waste Water Treatment Systems (Population Equivalent < 10) Environmental Protection Agency 2021. Photographic evidence of the installation of the septic tank/secondary treatment unit, distribution chamber and percolation trenches/polishing filter and pipes shall be submitted to the planning authority on completion of the system. Before the development is occupied a certificate from a Chartered Engineer, Environmental Health Officer or Hydrogeologist, (with professional indemnity insurance) stating that the effluent disposal system has been installed in accordance with this condition shall be submitted to the planning authority.

Reason: To ensure the provision of an adequate sewage disposal system, in the interests of public health and residential amenity.

4. (a) Where indicated on the drawings the external walls shall have a cement rendered finish. They shall be finished with napp plaster or painted in the white/ off-white colour range, unless the planning authority agrees in writing to another paint colour.
- (b) Prior to commencement of development, the applicant shall submit to the planning authority photographic samples of the colour of the corrugated metal roof. The colour choice shall serve to assimilate the development into the surrounding landscape.

Reason: In the interest of visual amenity.



5. All surface water run-off from roofs, entrances, driveways and parking areas shall be collected and disposed of within the site to soakpits, drains or adjacent watercourses. In particular, no such surface water run-off shall be allowed to flow onto the public roadway, nor to discharge to the effluent disposal system.

Reason: In the interests of traffic safety and residential amenity and to prevent flooding of the public road.

6. (a) Existing shrub and tree vegetation along all boundaries shall be retained, except those strictly required to be removed to facilitate the proposed entrance and the required sightline distances.
- (b) The landscaping and tree planting shall be carried out in accordance with the landscaping details submitted and before or during the first planting season or part thereof occurring after the commencement of development. Hedgerows shall consist of native species only. Any plants, which become seriously damaged, shall be replaced by others of similar size and species.

Reason: In order to assimilate development on this site into the surrounding area, in the interests of visual amenity, traffic safety and proper planning and development.

7. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Eireann.

Reason: In the interest of public health.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. The construction of the 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 development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

A handwritten signature in blue ink is written over a circular official seal. The seal contains the text 'AN BORD PLEANÁLA' around its perimeter and a central emblem. A horizontal line is drawn across the bottom of the seal and signature.

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

Dated this *29TH* day of *September* 2023.