



An  
Bord  
Pleanála

**Board Order**  
**ABP-317472-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 22428.**

**Appeal** by Seamus McEaney care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 6th day of June, 2023 by Monaghan County Council to refuse a permission.

**Proposed Development:** Construction of a new two-storey residential dwelling comprising three number bedrooms; provision of a detached single storey garage; provision of a soakaway for use with SuDs for surface water drainage; provision of an on-site foul drainage treatment system; provision of hard and soft landscaping, and all ancillary works necessary to facilitate the development, at Shanco, 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

The proposed development of a dwelling in an area designated 'Remaining Rural Area' and outside of an area that is defined as being 'under strong urban influence', is acceptable in principle, having regard to the provisions of the Monaghan County Development Plan 2019-2025. The Board, in a majority decision, considered that the proposed house design, subject to compliance with the conditions set out below, would not detract from the visual or residential amenities of the area, nor would there be any significant adverse impacts on the character of the landscape. The site is suitable for the disposal and treatment of effluent. The Board also considered the totality of development is consistent with and did not materially contravene any objectives in the development plan. 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 submitted on the 11<sup>th</sup> Day of May 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. 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 traffic safety.

3. All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11<sup>th</sup> Day of May 2023. 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.

5. (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 Waste Water 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 Environmental Protection Agency document.

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

6. 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.



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

Dated this 8<sup>th</sup> day of April 2024.