

An
Bord
Pleanála

Board Order
ABP-317604-23

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23/60091

Appeal by Ronan and Samantha Kelly care of O'Callaghan Planning of 20 Castle Street, Newry, County Down against the decision made on the 23rd day of June, 2023 by Louth County Council to refuse permission for the proposed development.

Proposed Development: Relocation of an existing cabin and associated decking used as a holiday letting unit. Existing wastewater treatment system to be decommissioned and new wastewater treatment system installed at Loughanmore, Jenkinstown, County Louth.

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 policies and objectives of the Louth County Development Plan 2021-2027, the location of the site relative to Lordship rural node and established tourist attractions, the nature of the development as a farm diversification project, the modest scale of works, previous uses at the site and the character of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the natural heritage or visual amenity of the area, would not create a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment, it is considered that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on the Dundalk Bay Special Area of Conservation (Site code: 000455) and Dundalk Bay Special Protection Area (Site code: 004026), or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the scale and nature of the proposed development, the character of existing development at the site, the status of the qualifying interests (habitats and species) and their conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Details of the materials, colours and textures of all the external finishes to the proposed building shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 noise management measures and off-site disposal of construction/demolition waste. This plan shall include any necessary measures to protect coastal defences at the site and to prevent coastal erosion.

Reason: In the interest of orderly development and to prevent impacts on coastal defences.

4. (a) Site development and building works shall be carried out only between the hours of 0800 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.
- (b) Construction works shall not take place between the months of September and March.

Reason: To safeguard the residential amenities and prevent disturbance to over-wintering birds.

5. (a) Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority site layout drawings to illustrate compliance with the minimum separation distances required under the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (b) The wastewater treatment plant, filter and percolation area shall be constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (c) 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.

- (d) 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 proposed development 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.
- (e) 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.
- (f) 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.

Reason: In the interest of public health.

- 6. Prior to commencement of development, the developer shall enter into water connection agreements with Uisce Éireann.

Reason: In the interest of public health.

- 7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to commercial short-term letting only (maximum of one month), unless otherwise authorised by a prior grant of planning permission.

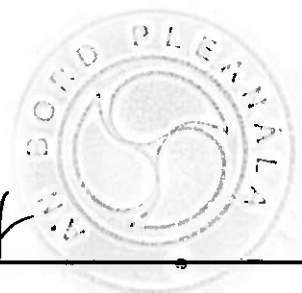
Reason: In the interest of clarity.

8. 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.



Mary Cregg


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

Dated this 12th day of April 2024