



An
Bord
Pleanála

Board Order
ABP-317656-23

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22/570.

Appeal by Stephen Ledwith care of Andrew Johnston Building Consultants of Grangebellew, Drogheda, County Louth against the decision made on the 6th day of July, 2023 by Louth County Council to refuse a permission.

Proposed Development: Construction of a dwelling house, domestic garage, wastewater treatment system and polishing filter percolation area, new vehicular entrance onto public road and all associated site development works at Garrolagh, Clogherhead, County Louth. This development was amended by further public notices received by the planning authority on the 4th day of June 2023.

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 for the area as set out in the Louth County Development Plan 2021-2027, the rural location of the site, and the siting, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health or safety, would not detract from the character and visual amenity of the area or the residential amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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 had regard to the relevant policies of the Louth County Development Plan 2021-2027, the Sustainable Rural Housing, Guidelines for Planning Authorities (2005) and, the location of the site within an 'Area Under Strong Urban Influence'. The Board considered that based on the information provided the applicant has demonstrated compliance with the requirements of section 3.5(4) under Table 3.5 (Qualifying Criteria Rural Policy Zone 2 – Area Under Strong Urban Influence), of the development plan.

Furthermore, notwithstanding the number of existing individual treatment systems/septic tanks in the vicinity and having regard to the wastewater treatment system proposed including tertiary treatment, and to the submitted groundwater assessment, it was considered that the proposed development would not be prejudicial to public health or safety.

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 14th day of June 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. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

3. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The 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 "Wastewater Treatment Manual: Domestic Waste Water Treatment Systems, (p.e.

less than or equal to 10)”, published by the Environmental Protection Agency in 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.

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 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 clarity and public health

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and hedgerow planting along the site boundaries details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, following 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 visual amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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 amenities of property in the vicinity.

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.



Stephen Bohan

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

Dated this 5th day of March 2024.

