



An
Bord
Pleanála

Board Order
ABP-318064-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/582

Appeal by Des and Liz Kennedy of Alpine Cottage, Ballinalea Road, Ashford, County Wicklow against the decision made on the 29th day of August, 2023 by Wicklow County Council to grant permission subject to conditions to Charles Featherstone care of Alphaplan Design of Suite 14, Block 1, Broomhall Business Park, Rathnew, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Proposed wastewater treatment system to Environmental Protection Agency standards to serve granted dwelling and to replace existing septic tank and associated works at Tree Tops, Ballymacahara, Ashford, 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 nature of the proposed development which is to serve the permitted dwelling it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or be prejudicial to public health. 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, 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. Apart from any departures specifically authorised by this grant of permission, the development shall be carried out in accordance with the terms and conditions of the permission granted under planning register reference number 22/1330. The duration of the permission granted herein shall expire with the expiration of the planning register reference number 22/1330 save where the duration of planning register reference number 22/1330 is extended pursuant to Section 42 of the Planning and Development Act 2000, as amended.

Reason: In the interest of clarity.

3. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 5th day of July, 2023, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (b) 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 dwellinghouse 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 Environmental Protection Agency document.

Reason: In the interest of public health.

4. Upon completion and commissioning of the upgraded effluent treatment system, the existing septic tank on the site shall be removed or decommissioned and filled with inert material. Details in this regard shall be submitted to the planning authority.

Reason: In order to safeguard and protect groundwater.



Mary Henchy

Member of An Bord Pleanála

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

Dated this 27th **day of** June **2024.**