

An  
Bord  
Pleanála

## Board Order ABP-318388-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 2023/1010**

**Appeal** by Tom O'Brien of Barry House, Pollrane, Kilmore, County Wexford against the decision made on the 18<sup>th</sup> day of October, 2023 by Wexford County Council to grant subject to conditions a permission to Nicola Marshall care of Alan Byrne Design of Tullabards House, Bridgetown, County Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Refurbishment and change of use of an existing barn to use as a dwelling, installation of a new wastewater treatment system and all associated site works. Retention of refurbishment works carried out to date on existing barn all at Pollrane, Kilmore, County Wexford.

### Decision

**GRANT** permission for the above 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 limited nature and scale of the proposed development and development proposed to be retained, which involves the conversion of an existing barn to a single dwellinghouse with a proprietary wastewater treatment system, and the policies and objectives of the Wexford County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, 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 retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The boundaries of the site shall be screened from the adjoining farmyard by means of hedging or screen walls with a maximum height of 2.0 metres above ground level, which shall either be of natural stone or shall be capped and rendered and painted with a neutral colour.
- (b) The layout of the area to the front of the dwellinghouse shall be revised to incorporate a vehicular entrance and shall include a landscaped area to provide for a front garden immediately in front of the dwellinghouse in place of the existing concrete pad.
- (c) The access track shall be upgraded with a new surface from the public road as far as the entrance to the dwellinghouse.
- (d) Adequate sight triangles shall be maintained at the entrance to the public road.

Revised drawings and details of the layout, the materials and external finishes of the boundary treatment and landscaped area, and resurfaced driveway showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall be carried out in accordance with the agreed scheme prior to the occupation of the dwellinghouse.

**Reason:** In the interest of residential amenity and traffic safety.

3. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann, and the dwellinghouse shall not be occupied until water services serving the development have been installed and functioning in accordance with the connection agreement with Uisce Éireann.

**Reason:** In the interest of residential amenity.

4. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties and shall be collected and diverted to discharge to existing watercourses or to drains or soakpits.
- (b) The access driveway to the development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent pollution.

5. (a) The wastewater treatment plant, polishing filter and infiltration area 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-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.
- (b) 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.

- (c) 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.
- (d) Surface water soakaways shall be located such that the drainage from the dwellinghouse and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwellinghouse, 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. 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.

7. The landscaping scheme shown on drawing number 21.10\_P01, as received by the planning authority on the 29<sup>th</sup> day of August, 2023, shall be carried out within the first planting season following substantial completion of the external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) The proposed hedgerows shall comprise deciduous planting and hedging common to the locality and shall be extended along the northern (rear) and western (side) boundaries.
- (b) All planting shall be adequately protected from damage until established. Any plants, trees or hedgerows which die, are removed or become seriously damaged or diseased, within a period of five 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 residential and visual amenity.

  
Liam Bergin

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

Dated this 17<sup>th</sup> day of July 2024.